

# Federal Register

Monday  
June 22, 1981

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## Highlights

- 32413 Flight Crewmembers** DOT/FAA withdraws proposed rule on flight and duty time limitations and rest requirements. (Part III of this issue)
- 32409** DOT/FAA terminates rulemaking on flammability standards for air carrier uniforms. (Part II of this issue)
- 32251 Motor Vehicle Safety** DOT/NHTSA modifies theft protection requirements.
- 32254** DOT/NHTSA revokes standard on fields of direct view for passenger cars.
- 32287 Natural Gas—Pipeline Safety** DOT/RSPA/MTB invites comments on installation and size of line markers at underwater pipeline crossings of navigable waters.
- 32372 Mobile Home Loan Program** VA announces availability of program evaluation report.
- 32416 Radio** FCC rewrites Radio Control (R/C) Radio Service Rules into plain language. (Part IV of this issue)

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## Highlights

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

### 32374 Sunshine Act Meetings

#### Separate Parts of This Issue

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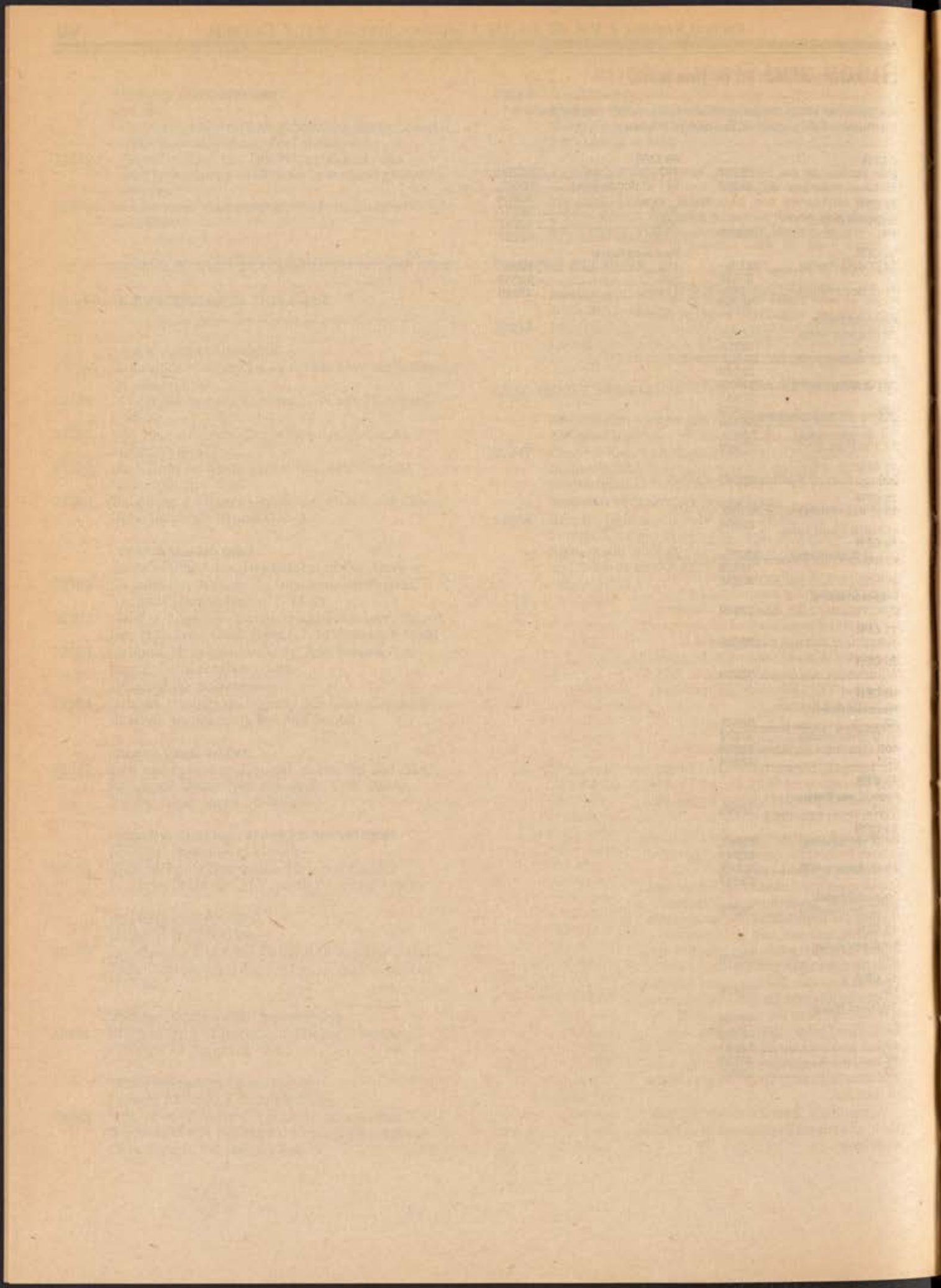


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# Rules and Regulations

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

### Office of the Secretary

#### 7 CFR Part 2

#### Delegation of Authority; Revisions

**AGENCY:** Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** This document revises the delegations of authority to the Chief, Forest Service, by rescinding the reservation to the Assistant Secretary for Natural Resources and Environment to approve the use of pesticides for insect and disease control in designated Wilderness Areas and the use of 2,4,5-T and other TCDD-containing herbicides on National Forests.

**EFFECTIVE DATE:** June 22, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Mr. James L. Stewart, Director, Forest Pest Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (703) 235-1560.

**SUPPLEMENTARY INFORMATION:** This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the *Federal Register*. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Further, this action is not a rule as defined by Pub. L. 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Section 2.60 is amended by removing paragraph (b)(9) and by revising paragraph (a)(5) to read as follows:

#### § 2.60 Chief, Forest Service.

##### (a) Delegations. \* \* \*

(5) Administer forest insect, disease, and other pest control and eradication programs [16 U.S.C. 2104].

##### \* \* \*

##### (b) Reservations. \* \* \*

##### (9) [Removed]

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Dated: June 13, 1981.

John B. Crowell, Jr.,

*Assistant Secretary for Natural Resources and Environment.*

[FR Doc. 81-18337 Filed 6-19-81; 8:45 am]

**BILLING CODE** 3410-11-M

## Foreign Agricultural Service

### 7 CFR Part 20

#### Deletion of Requirement for Export Sales Reporting of Peanuts

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** On December 18, 1980, an interim rule adding certain peanuts to the list of commodities subject to reporting under the Export Sales Reporting regulations (7 CFR Part 20) was published in the *Federal Register* at 45 FR 83191. Because of the emergency situation resulting from the 1980 peanut crop shortfall, the reporting requirement was made effective on January 9, 1981 with sixty days provided to receive public comment. Based on careful consideration of the public comments and review of the current peanut situation, it has been determined that the interim rule adding certain peanuts to the list of commodities subject to the reporting requirements of 7 CFR Part 20 should be terminated.

**EFFECTIVE DATE:** June 26, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Richard J. Finkbeiner, Director, Export Sales Reporting Division, FAS, Room 4919-South Agriculture Building, Washington, D.C. 20250, telephone (202) 447-5651.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under USDA procedures required by Executive

Order 12291 and has been classified "not major". It has been determined that these program provisions will not result in (1) an annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Public comments were received from four organizations and one individual firm. There was strong opposition to the required weekly publication of export sales information on peanuts on the ground that public availability of such export contracting data under the present market structure tends to put U.S. sellers at a competitive disadvantage.

The Department recognizes that peanuts are unique from other reportable commodities since the Department's peanut price support program, in effect, requires mandatory exportation of a certain percentage of each crop. Although this percentage figure is not published, it may be easily derived from knowledge of crop production and domestic utilization figures. Therefore, towards the end of the marketing year (July 30), information concerning the volume of export sales could enable foreign buyers to exert a downward pressure on export prices.

A primary reason for implementing the reporting requirement was the severe 1980 peanut crop shortfall. The peanut supply situation has improved because of the relaxation of import limitations and, since a new marketing year for peanuts begins August 1, it is believed that a continuation of the reporting requirement is no longer required.

An adequate opportunity for public comment was provided following publication of the interim rule. Therefore, it is determined that compliance with the public rulemaking requirements of Secretary's Memorandum 1955 and 5 U.S.C. 553 is unnecessary and contrary to the public interest.



**Final Rule**

Accordingly, Part 20 of Subtitle A of Title 7 of the Code of Federal

Regulations is amended by removing in Appendix 1, under the indicated column headings, the following:

**Appendix 1.—Commodities Subject to Reports, Units To Be Used in Reporting and Beginning and Ending Dates of Marketing Years**

Commodity to be reported	Unit of measure to be used in reporting	Beginning of marketing year	End of marketing year
Peanuts, Shelled (not blanched, roasted, or otherwise prepared or preserved)			
For use as oil stock	Metric tons	Aug. 1	July 31
Other	do	do	do

(Sec. 812, Pub. L. 91-524, as added by Pub. L. 93-86 (§ 1(27)(B), 87 Stat. 238 (7 U.S.C. 612c-3)) Issued at Washington, D.C. this 5th day of June 1981.

D. J. Novotny,  
Acting Administrator.

(FR Doc. 81-16394 Filed 6-19-81; 8:45 am)

BILLING CODE 3410-10-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 81-NW-25-AD; Amdt. No. 39-4141]

#### Airworthiness Directives; Boeing Model 737 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new Airworthiness Directive (AD) which requires an inspection for cracks in the forward cargo compartment sidewall frames and skins on Boeing Model 737 series airplanes with 29,000 or more landings. Repair and rework procedures are specified along with continued inspection requirements which are required until the specified rework can be accomplished. This action is necessary because severe damage to several body frames was discovered during replacement of damaged lining panels in the lower forward cargo compartment. Integrity of the frames is necessary for maintaining the body pressurization in case of skin damage. Continued operation with a severed frame may lead to skin damage and subsequent loss of body pressurization.

**DATES:** Effective date July 1, 1981.

**ADDRESSES:** The service bulletins and documents specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Rodger Anderson, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

**SUPPLEMENTARY INFORMATION:** In May 1981, during a scheduled maintenance check of a 737-200 airplane, an operator discovered severe damage to several body frames while replacing damaged lining panels in the lower forward cargo compartment. Three adjacent frames on the left side, at body stations 460, 480, and 500 were completely cracked through just above or below stringer S-22, including total fracture of the fail safe chord on two of these frames. In addition, the inboard flanges of the body station 420 frame, just above stringer S-25, and the body station 440 frame between stringers S-21 and S-23 on the left side were also cracked. On the right side, the inboard flange of the body station 500 frame was cracked above stringer S-26 and the frame at body station 500A had completely separated between stringers S-23 and S-24. All of these cracks progressed through sidewall lining panel attachment screw holes in the frame inboard flanges. The operator conducted a fleet check and found cracked frames in the same areas on six additional 737 airplanes with 21,552 to 32,639 flight hours and 34,081 to 50,345 landings. Three additional operators have reported similar frame cracking on three airplanes with 21,757 to 29,542 flight hours and 29,335 to 47,314 landings. Mandatory inspection and repair/rework is now required, since continued operation of an airplane with undetected cracked frames will result in cracked skins and potential loss of body pressurization.

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 and replacement or repair, as necessary, of lower forward cargo compartment sidewall frames and skins on certain Boeing Model 737 Series airplanes prior to production line number 232. A design change equivalent to Boeing Service Bulletin 737-53-1027 is incorporated in production on applicable airplanes beyond production line number 232.

Since a situation exists that requires 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 the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

**Boeing:** Applies to Boeing Model 737 series airplanes, certificated in all categories, prior to production line number 232 except production line numbers 72, 84, 102, 139, 157, 173, 199, 208, 215, 223, and 230.

Upon accumulation of 29,000 landings or within the next 100 landings after the effective date of this AD, whichever is later, accomplish the inspections of either paragraph A, or B, or C:

A. (1) Conduct a close external visual inspection of the fuselage skins for cracks in the region of the frames specified by Figure 1 of Boeing Service Bulletin 737-53-1027, or later FAA approved revisions unless accomplished within the last 200 landings. If no cracks are found, reinspect at intervals not to exceed 300 landings until inspected in accordance with paragraph A.(2). If cracks are found, repair fuselage skin prior to further flight in accordance with an FAA approved method and visually inspect the fuselage frames specified by Figure 1 of Boeing Service Bulletin 737-53-1027 or later FAA approved revisions for cracks. Frames found cracked are to be replaced or repaired in accordance with paragraph D or modified in accordance with paragraph E; and

(2) Within 2,400 landings visually inspect the fuselage frames specified in A.(1) for cracks. If no cracks are found, reinspect at intervals not to exceed 9,000 landings. If cracks are found, replace or repair prior to further flight per paragraph D or modify per paragraph E.



B. X-ray inspect for cracks in accordance with procedures described in the 737 Nondestructive Test Manual D6-7170, subject 53-10-37, figure 12, the fuselage frames specified in paragraph A.(1), unless accomplished within the last 900 landings. If no cracks are found, reinspect at intervals not to exceed 2,000 landings. If cracks are found, replace or repair fuselage frames prior to further flight in accordance with paragraph D or modify per paragraph E.

C. Visually inspect the fuselage frames specified in paragraph A.(1) for cracks, unless accomplished within the last 4,900 landings. If no cracks are found reinspect at intervals not to exceed 9,000 landings. If cracks are found, replace or repair fuselage frames prior to further flight in accordance with paragraph D or modify per paragraph E.

D. Cracked fuselage frames are to be reworked in accordance with the 737 Structural Repair Manual or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region. These repairs do not constitute terminating action and are subject to repeat inspections of this AD until modification per paragraph E is accomplished.

E. The inspections of this AD may be terminated upon completion of the modification of frames in the forward cargo compartment area in accordance with paragraph III of Boeing S/B 737-53-1027, or later FAA approved revision, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

F. For purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average from takeoff to landing for the airplane type. Only pressurized flights need be considered when establishing number of landings on the airplane.

G. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region, may adjust the inspection interval if the request contains substantiating data to justify the increase for that operator.

H. Aircraft may be ferried to a base for maintenance in accordance with Sections 21.197 and 21.199 of the Federal Aviation Regulations.

I. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

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 the above specified alert service bulletin from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or it may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 8(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

**Note.**—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. 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 Seattle, Washington, on June 11, 1981.

Charles R. Foster,  
Director, Northwest Region.

[FR Doc. 81-18160 Filed 6-19-81; 8:45 am]  
BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 21830; Amdt. 39-4147]

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

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action publishes in the Federal Register and makes effective as to all persons an amendment to an existing airworthiness directive (AD) that was previously made effective as to all known U.S. owners and operators of

Government Aircraft Factories Nomad Model N22B and N24A series airplanes by individual telegrams. The AD adjusts the compliance time for replacement of repaired cable sleeves on the fuel tank selector valve due to unavailability of the replacement cables in the U.S.A.

**DATES:** Effective June 22, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T81-01-02 R1, issued January 16, 1981, which contained this amendment. Compliance schedule—as prescribed in body of AD.

**ADDRESSES:** The manufacturer's applicable service bulletins may be obtained from Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. The document may also be examined at the FAA, Pacific-Asia Region, Airworthiness District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and Rules Docket, Room 916, FAA, 800 Independence Avenue, SW., Washington, DC 20591.

#### FOR FURTHER INFORMATION CONTACT:

Gary K. Nakagawa, Chief, Airworthiness District Office, APC-210, FAA, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850, telephone: (808) 546-8650/8658, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 426-8374.

**SUPPLEMENTARY INFORMATION:** This amendment amends Amendment 39-3999 (45 FR 84017), AD 81-01-02, which currently requires a one-time inspection for, and repair or replacement of, incorrectly crimped sleeves on push-pull cables of the fuel tank selector and fuel shut-off valves on Government Aircraft Factories Nomad Model N22B and N24A series airplanes. After issuing Amendment 39-3999, the FAA determined that some relief should be provided from the 50 hour compliance time due to the unavailability of the replacement cables in the U.S.A. resulting from shipment delays to these domestic sources. Based on service experience, and by requiring an additional visual inspection prior to the first flight of each day, it was determined that an extended compliance period would not have an adverse effect on safety, and AD 81-01-02 was amended by telegraphic AD T81-01-02 R1, issued January 16, 1981, to extend the compliance time period to 200 hours.

Since the action relieved a restriction and imposed no additional burden on any person, notice and public procedure



thereon was considered unnecessary and good cause existed for making the AD effective immediately as to all known U.S. owners and operators of Government Aircraft Factories Nomad Model N22B and N24A series airplanes by individual telegrams. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending Amendment 39-3999 (45 FR 84017), AD 81-01-02, as follows:

(1) By revising paragraph (b) to read: "Cable sleeves on the fuel tank selector cable which have been repaired in accordance with GAF Nomad Alert Service Bulletin No. ANMD-28-11,<sup>1</sup> dated August 21, 1980, or an FAA-approved equivalent, must be visually inspected prior to the first flight of each day in accordance with paragraph 4 of the service bulletin, and replaced prior to the accumulation of 200 hours time in service from the time of repair.

This amendment becomes effective June 22, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T81-01-02 R1, issued January 16, 1981, which contained this amendment.

This amendment amends Amendment 39-3999 (45 FR 84017), AD 81-01-02.

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 the FAA, Pacific-Asia Region, Airworthiness District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and 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 that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to

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

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

Issued in Washington, D.C., on June 15, 1981.

**Jerold M. Chavkin,**

*Acting Director of Airworthiness.*

[FR Doc. 81-16346 Filed 6-19-81; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 39

[Docket No. 81-CE-10-AD; Amdt. 39-4139]

#### Airworthiness Directives; Gates Learjet Models 23, 24, 25, 28, 29, 35 and 36 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new Airworthiness Directive (AD) applicable to certain Gates Learjet Models 23, 24, 25, 28, 29, 35 and 36 series airplanes. It requires changes to the Airplane Flight Manual by the incorporation of fuel quantity limitations and revised warnings. This action is necessary to provide minimum fuel quantity information for takeoff, climb, and go-around/balked landing. Operation of the airplane with prolonged nose up attitude of 10 degrees or more with fuel quantities lower than those specified by these limitations and warnings may result in fuel starvation.

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

**Compliance:** Within the next 50 hours time-in-service after the effective date of this AD.

**FOR FURTHER INFORMATION CONTACT:** Jack Pearson, Aerospace Engineer,

Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-7927.

**SUPPLEMENTARY INFORMATION:** A flight test conducted during a Supplemental Type Certificate evaluation of a Learjet Model 24 airplane evidenced that engine fuel starvation could occur with as much as 500-600 pounds indicated fuel quantity in each wing tank during a prolonged climb. Subsequent flight testing demonstrated that with 600 pounds of fuel in the wing tank, the airplane can climb to 17,500 feet and accelerate without evidence of fuel starvation.

As a result of these tests, Gates Learjet issued temporary flight manual changes for all 20 and 30 series models which advised the pilot of the hazards of a prolonged climb in a nose high attitude with fuel quantities of 600 pounds or less. These changes include after takeoff and go-around/balked landing warnings in the Normal Procedures Section of the Airplane Flight Manual that advise the pilot that engine flameout may occur during prolonged nose up attitudes of 10 degrees or more with 600 pounds or less fuel remaining in either wing tank. Incorporation of takeoff and go-around limitations and the revised warnings in all Learjet Models 23, 24, 25, 28, 29, 35 and 36 series Airplane Flight Manuals is necessary to assure that compliance can be achieved.

Since the conditions described herein are likely to exist in other airplanes of the same type design, the FAA is issuing a new AD which is applicable to certain Gates Learjet Models 23, 24, 25, 28, 29, 35 and 36 series airplanes. The new AD requires installation of the aforementioned Flight Manual limitations and revised warnings within the next 50 hours time-in-service after the effective date of the AD.

The FAA has determined that there is an immediate need for this regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making this amendment effective in less than thirty (30) days after the date of publication in the Federal Register.

#### Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, Sec. 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive: Gates Learjet: Applies to Model 23 (Serial

<sup>1</sup> Filed as part of the original document.



Numbers 003 through 099), Model 24 Series (Serial Numbers 003 through 357), Model 25 Series (Serial Numbers 003

through 341 except 337), Model 28 (Serial Numbers 001 through 005), Model 29 (Serial Numbers 001 through 003), Model 35 Series (Serial Numbers 001 through 415) and Model 36 Series (Serial Numbers 001 through 047) airplanes.

Compliance: Required as indicated unless already accomplished.

To ensure operation without fuel starvation, within the next 50 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Insert in the Airplane Flight Manual the FAA Approved temporary changes shown hereinafter as Figures I, II, and III or the FAA Approved Flight Manual changes (temporary or permanent) supplied by the manufacturer and containing the same information as the above figures.

(B) Operate the airplane in accordance with instructions in the Airplane Flight Manual changes specified in Paragraph A of this AD.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4285.

This Amendment becomes effective on June 25, 1981.

(Secs. 313(a), 601 and 603 of the 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)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

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

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

Issued in Kansas City, Missouri, on June 9, 1981.

John E. Shaw,

Acting Director, Central Region.

#### Figure I—Temporary Flight Manual Change

Description of Change: Add Limitation to Section I of the Airplane Flight Manual.

Filing Instructions: Insert this page adjacent to the "Takeoff and Landing Operational Limits" in Section I—Limitations in your Airplane Flight Manual:

Amend Section I—Takeoff and Landing Operational Limits by adding the following Limitation:

Fuel Load—Minimum 600 Pounds in Each Wing Required for Takeoff and International Go-Around.

#### Figure II—Temporary Flight Manual Change

Description of Change: Add Minimum Fuel Quantity Warning to Section II of the Airplane Flight Manual.

Filing Instructions: Insert this page adjacent to the "After Takeoff" checklist of Section II—Normal Procedures in your Airplane Flight Manual. Add the following warning:

After Takeoff: *Warning:* When the fuel quantity gage indicates 600 pounds or less remaining in either wing tank, prolonged nose up attitude of 10° or more may cause fuel to be trapped in the aft area of the wing tank outboard of the wheel well. Fuel starvation and engine flameout may occur. Reducing pitch attitude and thrust to minimum required will prevent this situation.

#### Figure III—Temporary Flight Manual Change

Description of Change: Add Minimum Fuel Quantity Warning to Section II of the Airplane Flight Manual.

Filing Instructions: Insert this page adjacent to the "Go-Around/Balked Landing" checklist of Section II—Normal Procedures in your Airplane Flight Manual. Add the following warning:

Go-Around/Balked Landing (One or Two Engine):

*Warning:* When the fuel quantity gage indicates 600 pounds or less remaining in either wing tank, prolonged nose up attitude of 10° or more may cause fuel to be trapped in the aft area of the wing tank outboard of the wheel well. Fuel starvation and engine flameout may occur.

For go-around conditions with low fuel, on first steady indication by the

Low Fuel warning light, reduce climb attitude and thrust to minimum required.

[FR Doc. 81-18345 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 81-EA-16]

**Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone, Roanoke, Va.**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule alters the description of the Roanoke, Va., Control Zone by authorizing the changing of the effective times of the zone by publication in the Notices to Airmen. This results from present and anticipated staffing shortages at the National Weather Service Office in Roanoke which will curtail the daily observational reports required for the zone. Such curtailment will vary at times and, therefore, requires a flexible method of publication of the changing of effective times.

**EFFECTIVE DATE:** June 22, 1981.

**FOR FURTHER INFORMATION CONTACT:** Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

**SUPPLEMENTARY INFORMATION:** The rule is editorial which permits reduction of controlled airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

#### Adoption of the Amendment

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

1. Amend Section 71.171 of Part 71 of the Federal Aviation Regulations by adding the following sentence:

#### § 71.1 [Amended]

This control zone is effective during specific times established in advance by Notices to Airmen. The effective times will thereafter be published continuously in the Airport/Facility Directory.



(Sections 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

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

Issued in Jamaica, New York on June 2, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-16185 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 81-EA-9]

#### Designation of Federal Airways; Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone; Oceana, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This rule alters the Oceana, Va., Control Zone by changing the geographical coordinates of the Naval Air Station (NAS). This results from a recomputation of the air station's geographical reference point.

**EFFECTIVE DATE:** June 22, 1981.

**FOR FURTHER INFORMATION CONTACT:** Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

**SUPPLEMENTARY INFORMATION:** The rule is minor in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is

amended, effective June 22, 1981 as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Oceana, Virginia Naval Air Station (NAS) Control Zone as follows;

#### Oceana, Va.

Within a 5-mile radius of the center, 36°49'14" N., 76°02'02" W., of NAS Oceana (SOUCEK FIELD), within 2 miles each side of the Navy Oceana TACAN 219° radial, extending from the 5-mile radius zone of 9.2 miles southwest of the TACAN, within a 3-mile radius of the center, 36°41'31" N., 76°08'06" W., of ALF Pentress.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

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

Issued in Jamaica, New York on June 2, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-16187 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 80-EA-39]

#### Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Skaneateles, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This rule designates a Skaneateles, N.Y., Transition Area over Lake Pines Aviation Airport, Skaneateles, N.Y. This alteration will provide protection to aircraft executing a new VOR-A instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

**EFFECTIVE DATE:** 0901 GMT, August 6, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

**SUPPLEMENTARY INFORMATION:** On page 54076 of the Federal Register for August 14, 1980, the FAA published an NPRM proposing the subject rule. Interested parties were given 60 days in which to submit comments. No objections were received. The airport will be overlaid by a 700-foot area with a radius of 5 miles around the airport and an extension to the northeast approximately 5 miles wide and 2 miles in length.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT August 6, 1981, as proposed.

#### Skaneateles, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 42°54'50"N., 76°26'20"W., of Lake Pines Aviation Airport, Skaneateles, New York within 2.5 miles each side of the Syracuse VORTAC 215° radial extending from the 5-mile radius area to 14.5 miles southwest of the Syracuse VORTAC.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

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

Issued in Jamaica, New York on June 3, 1981.

Murray F. Smith,

Director, Eastern Region.

[FR Doc. 81-16189 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M



**14 CFR Part 71****(Airspace Docket No. 80-EA-71)****Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area; Winchester, Va.****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This rule alters the Winchester, Va., Transition Area over Winchester Municipal Airport, Winchester, Va. The Front Royal, Virginia VORTAC has been relocated and requires revising instrument approach procedures to Winchester Municipal Airport. This alteration will provide protection to aircraft executing the revised approaches which have been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

**EFFECTIVE DATE:** 0901 GMT, August 6, 1981.

**FOR FURTHER INFORMATION CONTACT:** Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

**SUPPLEMENTARY INFORMATION:** On page 16902 of the Federal Register for March 16, 1981, the FAA published an NPRM proposing the subject rule. Interested parties were given 60 days in which to submit comments. No objections were received. The airport is at present overlaid by a 700-foot area which is altered by deleting the present southwest extension and adding an area of approximately 14 miles wide and 18 miles long to the northeast of the airport.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT August 6, 1981, as published.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by altering the Winchester, Virginia, 700-Foot Floor Transition Area as follows:

Delete "within 3.5 miles each side of the Front Royal, Virginia, VORTAC 223° radial extending from the VORTAC to 11.5 miles southwest of the VORTAC" and substitute the following: "Within 9.5 miles southeast and 4.5 miles northwest of the Shawnee VORTAC 042 radial extending from the VORTAC to a point 18.5 miles northeast."

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

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

Issued in Jamaica, New York on June 2, 1981.

**Murray E. Smith,**

*Director, Eastern Region.*

[FR Doc. 81-18188 Filed 6-19-81; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****15 CFR Part 908****Maintaining Records and Submitting Reports on Weather Modification Activities**

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

**ACTION:** Revision to final rule.

**SUMMARY:** NOAA revises the regulation regarding maintaining records and submitting reports on weather modification activities to eliminate the requirement for considering each day's activities as a separate modification mission. Experience has demonstrated that adequate records and reports need not include this specific item which has been misinterpreted by many users. The revision will simplify maintenance of records and reporting and not affect the quality of the data.

**DATE:** NOAA has determined that this is not a major change in the regulation and that it will not require public comment. The change is effective on June 22, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mason T. Charak, Atmospheric Programs Office, NOAA, Rockville, MD 20852, telephone 301-443-8108.

**SUPPLEMENTARY INFORMATION:** NOAA revises 15 CFR, Pt. 908 "Maintaining

Records and Submitting Reports on Weather Modification Activities." Specifically, NOAA removes from the regulation the definition of "Modification Mission," § 908.1(g) and the requirements for inclusion of each separate modification mission in interim reports, § 908.5(b)(3) and in final reports, § 908.6(d). Sections 908.1(g), 908.5(b)(3) and 908.6(d) are removed from the regulation and subsequent paragraphs of each subpart are appropriately renumbered.

Dated: June 11, 1981.

**Francis J. Balint,**

*Acting Director, Office of Information and Management Services.*

Part 908 of Title 15 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 908 reads as follows:

**Authority:** Pub. L. 92-305, 85 Stat. 735, December 18, 1971.

**§ 908.1 [Amended]**

2. Section 908.1 is amended by removing paragraph (g) and by redesignating paragraphs (h) through (l) as paragraphs (g) through (k) respectively.

**§ 908.5 [Amended]**

3. Section 908.5 is amended by removing paragraph (b)(3) and by redesignating paragraphs (b)(4) and (5) as paragraphs (b)(3) and (4), respectively.

**§ 908.6 [Amended]**

4. Section 908.6 is amended by removing paragraph (d) and by redesignating paragraphs (e) through (g) as paragraphs (d) through (f), respectively.

[FR Doc. 81-18336 Filed 6-19-81; 8:45 am]

**BILLING CODE 3510-12-M**

**FEDERAL TRADE COMMISSION****16 CFR Part 13****[Docket No. C-3067]****American Hospital Supply Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Final order.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires among other things, American Hospital Supply Corporation ("AHSC"), an Evanston, Illinois



manufacturer and distributor of health care products, to timely divest, in accordance with the terms of the order, either 100 percent of the stock of American Latex Corporation ("ALC") or, all assets and properties constituting ALC together with all the assets of American Cytoscope Makers, Inc. The order further requires respondents to maintain ALC as a viable business entity pending divestiture; offer to purchase for a period of one year all urological catheters from the acquirer of ALC; and refrain for five years from acquiring more than 1 percent of stock or any interest in an entity engaged in the manufacture and distribution of urological catheters.

**DATE:** Complaint and order issued June 2, 1981.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** FTC/C. E. Perry Johnson, Washington, D.C. 20580 (202) 523-3601.

**SUPPLEMENTARY INFORMATION:** On Thursday, March 26, 1981, there was published in the Federal Register, 46 FR 18723, a proposed consent agreement with analysis in the Matter of American Hospital Supply Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stocks or Assets: § 13.5 Acquiring corporate stocks or assets, 13.5–20 F.T.C. Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,  
Secretary.

[FR Doc. 81-18392 Filed 6-19-81; 8:45 am]

BILLING CODE 6750-01-M

## 16 CFR Part 13

[Docket No. C-2790]

### Shaklee Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

#### **ACTION:** Modifying order.

**SUMMARY:** This order, among other things, reopens the proceeding and modifies the order issued by the Commission on February 18, 1976, 87 FTC 239, 41 FR 11480, by modifying Paragraph I of the Order so as to eliminate the provisions prohibiting the firm from restricting retail store sales or cross-group sales, except when related to resale price maintenance; and by providing certain protections for existing distributors.

**DATES:** Decision issued February 18, 1976. Modifying order issued June 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** FTC/C. E. Perry Johnson, Washington, D.C. 20580. (202) 523-3601.

**SUPPLEMENTARY INFORMATION:** In the Matter of Shaklee Corporation, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, and appearing at 41 FR 11480, remain unchanged.

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

The Order is as follows:

The Commission on May 8, 1981, having issued an order against respondent to show cause why the proceeding herein should not be reopened for the purpose of modifying Paragraph I of the consent order to cease and desist entered on February 18, 1976; and Respondent having answered that it has no objection to the reopening of the proceeding and the modification of the consent order, as set forth in the order to show cause.

Accordingly, it is ordered That the matter is reopened and that Paragraph I of the order herein is modified so that it will read:

I

It is ordered That respondent Shaklee Corporation, a corporation, its successor and assigns, and respondent's officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of goods or commodities in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Fixing, establishing, maintaining or otherwise controlling, or attempting to fix, establish, maintain or otherwise control, directly or indirectly, the prices and to the extent, if at all, they relate to the pricing of merchandise for resale, discounts, rebates, overrides,

commissions, fees or bonuses or other terms or conditions of sale; provided, that from the date this Order becomes final:

(a) If respondent suggests to its distributors prices for resale of its merchandise, it must state clearly and conspicuously in conjunction therewith the following statement:

The prices quoted herein are suggested only. You are free to determine for yourself the prices you charge.

(b) If respondent suggests to its distributors discounts, rebates, overrides, commissions, fees or bonuses or other terms or conditions of sale to the extent, if at all, they relate to pricing of merchandise for resale, it must state clearly and conspicuously in conjunction therewith the following statement:

The (e.g.) discounts quoted herein are suggested only. You are free to determine for yourself the discount you grant.

2. Requiring, coercing, threatening or otherwise exerting pressure on any distributor, directly or indirectly, to observe, maintain or advertise established or suggested retail prices.

3. Requiring or requesting any distributor, directly or indirectly, to report any person or firm who does not observe the retail prices established or suggested by respondent, or acting upon reports so obtained by refusing or threatening to refuse sales to the distributor so reported.

4. Engaging in any of the following for the purpose of fixing or maintaining any resale price or in connection with the fixing or maintaining of any resale price:

(a) Requiring, contracting with, or coercing, directly or indirectly, any distributor to refrain from selling any merchandise in any quantity to or through any specified person, class of persons, business or class of businesses.

(b) Requiring, contracting with, or coercing, directly or indirectly, any distributor to refrain from establishing a fixed retail location for the sale or distribution of any merchandise in any quantity.

(c) Requiring or requesting any distributor, directly or indirectly, to report to respondent or to any person it designates, any person or firm who sells any of respondent's merchandise to a retail store or from a fixed retail location, or acting upon reports so obtained by refusing or threatening to refuse sales to the distributor so reported.

5. Preventing or discouraging, or attempting to prevent or discourage any distributor from selling or offering for sale products to retail customers on the

<sup>1</sup> Copies of the Complaint and the Decision and Order filed with the original document.



grounds that such customer is the customer of another distributor.

6. Until March 1, 1986, restricting, prohibiting, taking any action against, threatening or otherwise interfering with a distributor's operation of a retail store owned or, if leased by a distributor, during the remaining term of the lease (but no later than March 1, 1986), provided that:

(a) For distributors as of July 1, 1980 the store was acquired or the lease was executed prior to July 1, 1980 and for those becoming distributors after July 1, 1980 the store was acquired or the lease was executed prior to notice of the May 8, 1981 Order To Show Cause in this matter;

(b) Shaklee products accounts for more than 35 percent of the store's retail sales;

(c) The distributor provides to the respondent, within 60 days of actual notice of this order, evidence of ownership or a copy of the lease and evidence that Shaklee products accounted for more than 35 percent of the facility's retail sales, during the six month period prior to notice of the May 8, 1981 Order To Show Cause in this matter.

Provided, however, that nothing contained in this paragraph shall prohibit respondent and a distributor from entering an agreement pursuant to which the distributor voluntarily agrees to discontinue such retail sales through an owned or leased facility. Provided further that this paragraph shall not prohibit respondent from requiring a distributor to discontinue such retail sales through an owned or leased facility upon reimbursement by respondent for financial loss incurred by the distributor and attributable to the discontinuance of such retail sales. Such reimbursement shall consist of payment for (1) the cost of the portion of inventory in saleable condition (distributor net price less any bonuses paid by Shaklee) which was purchased prior to notice of the May 8, 1981 Order To Show Cause in this matter and exceeds \$50.00 at distributor's cost (2) losses from subleasing or any lease termination penalty, and (3) the costs of conversion of a store to non-Shaklee uses. Any irreconcilable disagreement between respondent and a distributor with respect to the amount owed to a distributor under this paragraph shall be resolved by binding arbitration (arbitrator's fees to be paid by Shaklee).

7. Until March 1, 1986, restricting, prohibiting, taking any action against, threatening or otherwise interfering with a distributor's sales to a retail store from any property owned or, if leased by the distributor, during the remaining term of

the lease (but no later than March 1, 1986), and principally used for sales to retail stores, provided that:

(a) The property was acquired or the lease was executed after February 18, 1976 and prior to July 1, 1980;

(b) The inventory exceeds \$200.00 in value and was acquired prior to notice of the May 8, 1981 Order To Show Cause in this matter;

(c) Shaklee products account for more than 35% of the gross dollar volume of sales from the distributor's property;

(d) More than 50 percent of the distributor's gross dollar volume of sales of Shaklee products were to retail stores;

(e) The distributor provides respondent within sixty days of actual notice of this order, evidence of ownership or a copy of the lease and evidence that more than 50 percent of the distributor's sales of Shaklee products were to retail stores during the six months prior to notice of the May 8, 1981 Order To Show Cause in this matter.

Provided, however, that nothing contained in this paragraph shall prohibit respondent and a distributor from entering an agreement pursuant to which the distributor voluntarily agrees to discontinue sales to retail stores. Provided further that this paragraph shall not prohibit respondent from requiring a distributor to discontinue sales to retail stores upon reimbursement by respondent for the financial loss incurred by the distributor and attributable to the discontinuance of such sales to retail stores. Such reimbursement shall consist of payment for (1) the cost of the portion of inventory in saleable condition (distributor net price less any bonuses paid by Shaklee) which was purchased prior to notice of the May 8, 1981 Order To Show Cause in this matter and exceeds \$50.00 at distributor's cost, (2) losses from subleasing or any lease termination penalty, and (3) the cost of conversion of such property to non-Shaklee uses. Any irreconcilable disagreement between respondent and a distributor with respect to the amount owed to a distributor under this paragraph shall be resolved by binding arbitration (arbitrator's fees to be paid by Shaklee).

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-18303 Filed 6-19-81; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 271

[Docket No. RM79-76 (Colorado—3)]

#### Labeling Order for the Niobrara Formation

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; order denying application for rehearing.

**SUMMARY:** This order denies an application for rehearing of the Commission's Order No. 137, issued in Docket No. RM79-76 (Colorado—3), on March 30, 1981 (46 FR 20669, April 7, 1981). Order No. 137 adopted in part a recommendation submitted by the Colorado Oil and Gas Conservation Commission that the Niobrara Formation be designated as a tight formation, enabling natural gas produced therefrom to be eligible for incentive pricing. In designating the Niobrara Formation as a tight formation in Order No. 137, the Commission excluded three fields which had been included in the recommendation on the ground that these fields had been subject to infill drilling orders and that the fields had been substantially developed prior to the issuance of these orders. Exclusion of these fields on this ground is provided for in § 271.703(c)(2)(i)(D) of the Commission's regulations.

The application for rehearing is denied pursuant to the operation of § 271.703(c)(2)(i)(D), and because no economic data was submitted, as was requested in Order No. 137, which would demonstrate that all or part of the excluded formation cannot be further developed without the tight formation incentive price.

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

#### SUPPLEMENTARY INFORMATION:

In the matter of High-Cost Gas produced from tight formations; Docket No. RM79-76 (Colorado—3).

Order No. 137-A

Issued June 17, 1981.

On March 30, 1981, the Commission issued a final rule in Docket No. RM79-76 (Colorado—3). Order No. 137, (46 FR 20669, April 7, 1981) which generally adopted a recommendation submitted by the Colorado Oil and Gas Conservation Commission (Colorado)



that the Niobrara Formation be designated as a tight formation. The Commission, in designating the Niobrara as a tight formation, excluded from the designation three fields which had been part of Colorado's recommendation. These fields, the Waverly, Beecher Island,<sup>1</sup> and Mildred Fields, were excluded. The Commission found that information in Colorado's submittal indicated that the excluded areas had been substantially developed at the time that infill drilling orders for those fields were issued. The Commission's regulations at § 271.703(c)(2)(i)(D) provide that such areas be deleted from tight formation designations where information exists to indicate portions of the formation can be developed absent the incentive price provided through section 107(c)(5). Because the excluded areas had been substantially developed and Colorado had made findings of an economic nature in its infill drilling orders for these fields, that one well can economically drain an area of not more than 160 acres, the Commission found that the incentive price was not necessary to encourage development in these fields. See, NGPA section 107(b). In sum, substantial development prior to the issuance of infill drilling orders and economic information concerning the viability of the wells, created the basis upon which the Commission deleted the three fields from the designation in the final rule.

On April 29, 1981, Mountain Petroleum Corporation, along with J-W Operating Company and H. G. Westerman (hereinafter "Mountain"), filed an application for rehearing of Order No. 137 on the ground that the Waverly, Beecher Island and Mildred Fields were erroneously excluded from the Niobrara Formation's designation as a tight formation by the Commission. Although Mountain did not file comments to the Commission's Notice of Proposed Rulemaking in this docket issued on September 23, 1981, Mountain originally filed a petition with Colorado which led the Colorado's recommendation of the Niobrara as a tight formation.

In its application for rehearing, Mountain presents several arguments which allegedly support inclusion of the excluded areas in the designated tight formation. The first case wherein the Commission excluded areas from a recommended formation was in Order No. 124, Docket No. RM79-76 (Colorado—1), issued January 23, 1981, (46 FR 9921, January 30, 1981), pertaining

to the Wattenberg J Sand Formation. Mountain contends that the Wattenberg J Sand case is different than the Niobrara case because the Wattenberg J Sand Formation was substantially developed after its infill drilling order was issued, to a much greater extent than the Niobrara was or is developed. Accordingly, Mountain argues that reliance on the Wattenberg case is misplaced in this situation. While Order No. 137 did not rely on the Wattenberg case, it is consistent with its facts and result. In both the Wattenberg J Sand case and the instant one, the portions of the formations that were excluded were those portions that were substantially developed at the time the infill drilling orders were issued. Subsequent development is not considered because the key to the Commission's review is to first determine if an area has been developed in the primary stage. The Commission believes that where an infill drilling order follows substantial development of a field, the request for an infill drilling order establishes that secondary drilling is both planned and is economically feasible. The requirement that substantial development precede the infill drilling order is a check on the exclusion process by avoiding the exclusion of areas which may have received infill drilling orders for reasons other than carrying out planned secondary drilling, and this would be obvious where substantial development had not occurred prior to the infill drilling order. In the instant case, at the time of the issuance of the infill drilling order, two of the three fields had been 100% developed on existing spacing, and the third field had been 78% developed.

Mountain compares the excluded fields to the Eckley Field, one which was included in the designation. Mountain asserts that the Eckley Field wells produce gas at much higher rates than, for example, wells in the Beecher Island Field. Since Colorado found that the stabilized production rate for the wells in the formation would not exceed the guideline established in § 271.703(c)(2)(i)(B), the fact that certain wells produce more than others (and Mountain did not state that production in the Eckley wells was exceeding the guideline), is not relevant to the designation.

Finally, Mountain contends that the areas which the Commission has excluded in Order No. 137 are similar in both physical and economic characteristics to the areas which were designated as tight. Although Mountain on the one hand states that the excluded areas are similar to the included areas, elsewhere in its application it makes a

contrary statement. Mountain asserts that when it initially received its 640-acre unit spacing from Colorado, all the units were considered by the operators to be gas-productive. Other areas, which were included in the tight formation designation, such as the Vernon field, had included units in their spaced area units which at the time did not appear to have gas-bearing potential. This difference between the fields is significant for the reason that under section 107(c)(5) of the NGPA, the Commission extends the incentive price to areas where drilling presents extraordinary risks or costs. Clearly the operators in the excluded areas do not incur the same risks as the operators in the included areas described above, as evidenced by Mountain's statement that all of the units in the excluded areas were, to the best of their knowledge, gas-productive. The included areas obviously present greater risks, from a geological perspective, and therefore should be eligible for an incentive price. If the excluded areas should get the incentive price, it would have to be based on the fact that drilling therein involves extraordinary costs. There has not as yet been any economic data presented by the applicants to support a conclusion that extraordinary costs are involved, although this was specifically requested in Order No. 137.

In Order No. 137, the Commission stated that exclusion of the Mildred, Waverly and Beecher Island Fields in that order did not "preclude them from future designation if economic data should demonstrate that all or part of the excluded area cannot be further developed without the tight formation incentive price." [Italics added.] Mountain's application for rehearing seeking inclusion of the three fields in the designated Niobrara Formation does not contain economic data addressing the issue of whether the excluded area can be further developed without the tight formation incentive price.<sup>2</sup> Mountain rests its case on arguments, not economic facts.

In order for Mountain to obtain reconsideration of the excluded Waverly, Beecher Island and Mildred Fields as tight formations, it must present to the Commission, by proper administrative channels through the jurisdictional agency, appropriate economic data. This data should address factors such as the actual

<sup>2</sup> Mountain does state that since issuance of the infill drilling order in August, 1978, a total of five wells have been drilled in the excluded areas. However, Mountain fails to show that further drilling was not undertaken because of economic factors.

<sup>1</sup> Twenty-eight sections of the Beecher Island Field were excluded from the designation. Staff had counted forty sections in all as comprising the Beecher Island Field.



impact that the incentive price would have on encouraging production from the excluded areas and why currently available prices<sup>2</sup> are not adequate to provide economic incentives to produce from these fields. In addition, if there are any identifiable factors which made drilling economical prior to the infill drilling order (as evidenced by the fact that most 640-acre units in the excluded areas contained one well at the issuance of the infill order), but failed to make further drilling on the 160-acre units economical, these would be relevant to the case.

#### The Commission orders

Based upon the foregoing discussion, the application for rehearing filed by Mountain in this docket is denied.

By the Commission.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-18340 Filed 6-19-81; 8:45 am]  
BILLING CODE 6450-85-M

#### 18 CFR Part 271

[Docket No. RM81-31; Order No. 149]

#### Clarification of Regulations Regarding New, Onshore Production Wells; Correction

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

**SUMMARY:** This document corrects a final rule which clarified the definition of "new, onshore production well" that appeared in the Federal Register of Wednesday, June 3, 1981. (46 FR 29697).

#### FOR FURTHER INFORMATION CONTACT:

Craig Ellis, Office of General Counsel,  
Room 4008E, 825 North Capitol Street,  
N.E., Washington, D.C. 20426 (202)  
357-8316

Howard Kilchrist, Office of Pipeline and  
Producer Regulations, Room 6112, 825  
North Capitol Street, N.E.,  
Washington, D.C. 20426 (202) 357-8585

**SUPPLEMENTARY INFORMATION:** On page 29698, column two, the second sentence after the heading "II. Clarification" is deleted in its entirety so that the paragraph reads as follows:

#### II. Clarification

The Commission did not intend that a section 103 eligibility determination cover gas produced from the same well

<sup>2</sup> In order for new tight formation gas to receive the tight formation incentive price, the well must also, *inter alia*, qualify as a section 102 or section 103 well, and so these prices would be available to the much of gas in question, even if the section 107 price was not.

from proration units not considered during the determination. The Commission intended that such a determination apply only to gas produced from the proration unit(s) on the basis of which the determination was obtained. In light of the above, we are clarifying the definition of "new, onshore production well" in § 271.303 by expressly providing that a determination that a well qualifies under section 103 applies only to gas produced from the proration unit (or units) on which the determination was based.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-18341 Filed 6-19-81; 8:45 am]  
BILLING CODE 6450-85-M

#### 18 CFR Part 271

[Docket No. RM79-76 (Louisiana—4) (Order No. 159)]

#### High-Cost Gas Produced From Tight Formations; Final Rule

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of Louisiana Office of Conservation that the Gray Sand, Reservoir A be designated as a tight formation under § 271.703(d).

**EFFECTIVE DATE:** This rule is effective June 17, 1981.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

#### SUPPLEMENTARY INFORMATION:

##### Order No. 159

Issued June 17, 1981.

In the matter of high-cost gas produced from tight formations; Docket No. RM79-76 (Louisiana—4).

The Commission hereby amends § 271.703(d) of its regulations to include

the Gray Sand, Reservoir A in Louisiana as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPR, issued April 1, 1981 (46 FR 20686, April 7, 1981)<sup>1</sup> based on a recommendation by the State of Louisiana Office of Conservation (Louisiana), in accordance with § 271.703(c), that the Gray Sand, Reservoir A be designated as a tight formation.

Evidence submitted by Louisiana supports its assertion that the Gray Sand, Reservoir A meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Louisiana recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective June 17, 1981.

By the Commission.

Kenneth F. Plumb,  
Secretary.

Section 271.703(d) is amended by adding new subparagraph (38) to read as follows:

#### § 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(38) *Gray Sand, Reservoir A in Louisiana.* RM79-76 (Louisiana—4).

(i) *Delineation of formation.* The Gray Sand, Reservoir A, consists of interbedded sandstone, limestone and

<sup>1</sup> Comments were invited and none were received. No party requested a public hearing and no hearing was held.



shale, and is found in the following portions of Lincoln and Claiborne Parishes, north Louisiana: T18N-R4W, Sections 3-6; T18N-R5W, Section 1; T19N-R4W, Sections 3-10, 15-23, 26-34; T19N-R5W, all Sections; T19N-R6W, Sections 1, 12, 13, 24, 25, 36.

(ii) *Depth*. The Gray Sand, Reservoir A, is defined as that sand occurring between the measured depths of 12,840 feet, and 13,350 feet on the induction log of the IMC Exploration Company—Eugene Tinsley *et al.* No. 1 Well located in Section 33, Township 19 North, Range 4 West, Lincoln Parish.

[FR Doc. 81-16342 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-85-M

## 18 CFR Part 271

[Docket No. RM79-76 (Louisiana—3) (Order No. 158)]

### High-Cost Gas Produced From Tight Formations; Final Rule

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

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

**EFFECTIVE DATE:** This rule is effective June 17, 1981.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

#### SUPPLEMENTARY INFORMATION:

Order No. 158

Issued June 17, 1981.

In the matter of high-cost gas produced from tight formations; Docket No. RM 79-76 (Louisiana—3).

The Commission hereby amends § 271.703(d) of its regulations to include the Cotton Valley Formation in

Louisiana as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPR, February 11, 1981 (46 FR 12760, February 18, 1981)<sup>1</sup> based on a recommendation by the State of Louisiana Office of Conservation (Louisiana) in accordance with § 271.703(c), that the Cotton Valley Formation be designated as a tight formation.

Evidence submitted by Louisiana supports its assertion that the Cotton Valley Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Louisiana recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342; Administrative Procedure Act, 15 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective June 17, 1981.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

Section 271.703(d) is amended by adding new subparagraph (37) to read as follows:

#### § 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(37) *Cotton Valley Formation in Louisiana.* RM 79-76 (Louisiana—3).

(i) *Delineation of formation.* The Cotton Valley Formation is basically a marine formation with alternating sands and shales, and is located in Caddo and Bossier Parishes in north Louisiana. The

<sup>1</sup> Comments were invited and none were received. No party requested a public hearing and no hearing was held.

Cotton Valley Formation consists of the following:

Township 16 North, Range 13 West, Sections 1, 2, 3, 10 through 15; 22 through 27, 34, 35, and 36.

Township 16 North, Range 12 West, Sections 6, 7, 18, 19, 30, 31, West ½ of Sections 5, 8, 17, 20, 29, and 32.

Township 15 North, Range 13 West, Sections 1, 2, and 3.

Township 15 North, Range 12 West, Section 6, West ½ of Section 5.

(ii) *Depth.* The Cotton Valley Formation is defined as that formation occurring between the measured depths of 8590 feet and 9360 feet on the induction electrical log of the Northeast Resources, Inc.—Frierson No. 1 Well located in Section 21, Township 16 North, Range 12 West, Caddo Parish.

[FR Doc. 81-16343 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-85-M

## 18 CFR Part 292

[Docket No. RM81-2]

### Small Power Production and Cogeneration; Correction

June 16, 1981.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a final rule regarding Eligibility, Rates and Exemptions for Qualifying and Utility-Owned Geothermal Small Power Production Facilities that appeared at page 19229 in the *Federal Register* of Monday, March 30, 1981, (46 FR 19229).

This document is necessary to correct errata contained in the preamble and the final rule.

#### FOR FURTHER INFORMATION CONTACT:

Glenn Berger or Michael Kessler, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8033.

**SUPPLEMENTARY INFORMATION:** The following corrections are made in the final rule appearing on page 19229 in the issue of March 30, 1981:

(1) On page 19229, column one, first paragraph, the last sentence, "of which a utility owns less than 50 percent" is corrected to read, "of which a utility owns 50 percent or less."

(2) On page 19230, column two, second full paragraph, "(1) by an electric utility, electric utility holding company or any combination thereof" is corrected to read, "(1) by an electric utility or utilities, electric utility holding company



or companies, or any combination thereof."

(3) On page 19231, § 292.202(a), "(1) By an electric utility, electric utility holding company or any combination thereof" is corrected to read, "(1) By an electric utility or utilities, electric utility holding company or companies, or any combination thereof."

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-18344 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-85-M

## ENVIRONMENTAL PROTECTION AGENCY

### 21 CFR Part 193

[PH-FRL-1858-3; FAP 6H5106/T66]

#### Glyphosate; Tolerances for Pesticides in Food Administered by the Environmental Protection Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This rule renews a food additive regulation related to the experimental use of the herbicide glyphosate in potable water. The renewal was requested by Monsanto Co. This rule renews the maximum permissible level for residues of glyphosate in potable water while further data are collected on glyphosate.

**EFFECTIVE DATE:** Effective on June 22, 1981.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice that published in the Federal Register of January 7, 1980 (45 FR 1418) that Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, had submitted a request to the EPA proposing that a temporary food additive regulation be established permitting the combined residues of the herbicide glyphosate [N-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid

in potable water resulting from application of glyphosate to banks of small water impoundments, irrigation ditch banks, and drainage ditch banks in a proposed experimental use program with a tolerance limitation of 0.1 part per million (ppm) be renewed.

This renewal expired January 1, 1981. Monsanto Co. has requested an additional two-year renewal of this temporary tolerance to permit continued testing to obtain additional data.

The scientific data reported and other relevant material have been evaluated and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, 92 Stat. 819; 7 U.S.C. 136. It has further been determined that since residues of the pesticide may result in potable water from the agricultural use provided for in the experimental use permit, the food additive regulation should be renewed along with the tolerance limitation. A related document (PP 6G1679/T301) concerning the renewal of temporary tolerances for residues of glyphosate in or on cucurbits, forage legumes, fruiting vegetables, small fruits, hops, and fish appears elsewhere in this issue of the Federal Register.

Any person adversely affected by this regulation may on or before July 22, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in triplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such

food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24945).

Effective on: June 22, 1981.

[Sec. 409(c)(1), 72 Stat. 1786, 21 U.S.C. 348(c)(1)]

Dated: June 10, 1981.

Edwin L. Johnson,  
Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR 193.235(a) is revised to read as follows:

#### § 193.235 Glyphosate.

(a) A tolerance of 0.1 part per million is established for the combined residues of the herbicide glyphosate[N-(phosphonomethyl)glycine] and its metabolites aminomethylphosphonic acid in potable water resulting from the application of the herbicide in accordance with the provisions of an experimental use permit that expires January 1, 1983. This temporary food additive regulation also expires January 1, 1983.

[FR Doc. 81-18230 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-32-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[T.D. 7763]

#### Income Tax; Taxable Years Beginning After Dec. 31, 1953; Application of Conventions Under Class Life Asset Depreciation Range System

##### Corrections

In FR Doc. 81-2304 appearing on page 6909 in the issue of Thursday, January 22, 1981, make the following changes:

(1) On page 6910, second column, below the second line of the amendment numbered 2, add the following: "These added provisions read as follows:"

(2) On page 6910, third column, beginning with the third line from the top, delete the following sentence: "For purposes of the preceding sentence, expenditures were paid or incurred prior to November 15, 1979."

BILLING CODE 1505-01-M



## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## 43 CFR Public Land Order 5867

[C-23349]

## Colorado; Partial Revocation of Reclamation Project Withdrawal Wagon Wheel Gap

In FR Doc. 81-15544, at page 28163, in the issue of Tuesday, May 26, 1981, on page 28164, in the first column, make the following corrections:

(1) Line 5 is corrected to read as follows: "W 1/2 SW 1/4 SE 1/4, E 1/2 SE 1/4 SE 1/4, E 1/2 SW 1/4"

(2) Line 6 is corrected by removing the last "SE 1/4".

(3) Line 18 is corrected by the insertion of a comma after "W 1/2".

(4) Line 4 from the bottom of the page, correct "21,939.30" to read "21,993.30".

BILLING CODE 1505-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## 44 CFR Part 64

[Docket No. FEMA 6081]

## List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

**SUMMARY:** This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

**EFFECTIVE DATE:** The date listed in the fifth column of the table.

**ADDRESS:** Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain

management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

## § 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area <sup>1</sup>	Hazard area identified
<b>California:</b>				
Solano County	Dixon, city of	060369	750916 emergency, 810519 regular	740319
Contra Costa County	Moraga, town of	060637	760303 emergency, 810519 regular	761119
Solano County	Rio Vista, city of	060371	750613 emergency, 810519 regular	740517
lowa: Humboldt County	Humboldt, city of	190155	750128 emergency, 810519 regular	740405
<b>Illinois:</b>				
Cook County	Hoffman Estates, village of	170107	721110 emergency, 810519 regular	740920
Cook County	Justice, village of	170112	750320 emergency, 810519 regular	740322
Lake County	Long Grove, village of	170380	750203 emergency, 810519 regular	740405
Cook County	Roselle, village of	170216	730302 emergency, 810519 regular	730907
<b>Indiana:</b>				
Hamilton County	Carmel, city of	180081	750607 emergency, 810519 regular	740809
Madison County	Ellettsville, city of	180152	750319 emergency, 810519 regular	731228
<b>Louisiana:</b>				
Assumption Parish	Assumption parish <sup>2</sup>	220017	730420 emergency, 810519 regular	750124
Terrebonne Parish	Holoma, city of	220220	730430 emergency, 810519 regular	731128
Massachusetts: Hampden County	Ludlow, town of	250144	741017 emergency, 810519 regular	740726
<b>Maine:</b>				
Cumberland County	Cumberland, town of	230162	760517 emergency, 810519 regular	770830
Franklin County	Farmington, town of	230057	750507 emergency, 810519 regular	740906
Oxford County	Otisfield, town of	230203	760129 emergency, 810519 regular	750131
Cumberland County	Standish, town of	230207	751001 emergency, 810519 regular	750418
<b>Minnesota:</b>				
Clay County	Driforth, city of	270080	740320 emergency, 810519 regular	740517
Isanti County	Isanti County <sup>2</sup>	270197	720404 emergency, 810519 regular	0
Stearns County	Melrose, city of	270450	740311 emergency, 810519 regular	740412
Hennepin County	Minnetonka, city of	270173	750409 emergency, 810519 regular	740823
Olmsted County	Olmsted County <sup>2</sup>	270626	740417 emergency, 810519 regular	0
Stearns County	Sauk Centre, city of	270459	740416 emergency, 810519 regular	740308
<b>Missouri:</b>				
St. Louis County	Moline Acres, city of	290370	740917 emergency, 810519 regular	740614
St. Louis County	Wellston, city of	290395	750502 emergency, 810519 regular	731217



State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area <sup>1</sup>	Hazard area identified
Howell County	West Plains, city of	290166	731219 emergency, 810519 regular	740215
Montana:				
Carbon County	Joliet, town of	300006	790426 emergency, 810519 regular	741227
Carbon County	Red Lodge, city of	300007	750630 emergency, 810519 regular	740524
New Hampshire:				
Hillsborough County	Greenville, town of	330088	750728 emergency, 810519 regular	740726
Hillsborough County	New Boston, town of	330098	751110 emergency, 810519 regular	740628
New Jersey:				
Ocean County	Berkeley, township of	340369	710702 emergency, 810519 regular	740802
Morris County	Boonton, town of	340335	750407 emergency, 810519 regular	740528
Morris County	Morristown, town of	340352	750827 emergency, 810519 regular	740201
Ocean County	Ocean Gate, borough of	340384	750516 emergency, 810519 regular	740531
Morristown County	Red Bank, borough of	340321	750724 emergency, 810519 regular	740308
Ohio: Lucas County	Whitehouse, village of	390639	750827 emergency, 810519 regular	740329
Oklahoma: Oklahoma County	Midwest City, city of	400405	750116 emergency, 810519 regular	770603
Pennsylvania:				
Northampton County	Allen, township of	421928	770301 emergency, 810519 regular	740906
Lancaster County	Caernarvon, township of	421763	750429 emergency, 810519 regular	761029
Lancaster County	Ephrata, township of	421208	740520 emergency, 810519 regular	740920
Luzerne County	Franklin, township of	421829	750429 emergency, 810519 regular	741106
Perry County	Greenwood, township of	421950	750612 emergency, 810519 regular	750131
Erie County	Mill Village, borough of	422417	760218 emergency, 810519 regular	750411
Perry County	Millerstown, borough of	420752	751117 emergency, 810519 regular	740116
Erie County	North East, township of	421368	741029 emergency, 810519 regular	740920
Lancaster County	Paradise, township of	421777	750113 emergency, 810519 regular	740906
Allegheny County	Roslyn Farms, borough of	420069	750207 emergency, 810519 regular	740116
Lehigh County	Upper Milford, township of	421815	741010 emergency, 810519 regular	741101
Erie County	Washington, township of	421372	750605 emergency, 810519 regular	741018
Erie County	Wattsburg, borough of	420455	751111 emergency, 810519 regular	740816
Lancaster County	West Earl, township of	420959	731102 emergency, 810519 regular	740412
Tennessee: Cheatham County	Cheatham County <sup>2</sup>	470026	740927 emergency, 810519 regular	770909
Texas:				
Cass County	Atlanta, city of	480117	740620 emergency, 810519 regular	740628
Brazos County	Bryan, city of	480082	740502 emergency, 810519 regular	740315
Guadalupe County	Cibola, city of	480267	741101 emergency, 810519 regular	740201
Gillespie County	Fredericksburg, city of	480252	740622 emergency, 810519 regular	740412
Frio County	Pearsall, city of	480238	750610 emergency, 810519 regular	740517
Utah:				
Weber County	Plain City, city of	490217	760207 emergency, 810519 regular	770603
Weber County	Uintah, town of	490192	740430 emergency, 810519 regular	761029
Virginia: Franklin County	Franklin County <sup>3</sup>	510061	740523 emergency, 810519 regular	750425
Washington: Clark County	Ridgfield, town of	530238	760121 emergency, 810519 regular	750124
Wisconsin: Brown County	Wrightstown, village of	500025	760929 emergency, 810519 regular	750822
North Dakota: Burke County	Porter, city of	380196	760107 emergency, 810526 regular	750207
Washington: Whitman County	Saint John, town of	530214	750806 emergency, 810526 regular	0
Arkansas: Crawford County	Mulberry, city of	050354	810527 emergency, 810527 regular	761126
Total is 65.				

<sup>1</sup> Key for reading 5th column (effective dates): First two digits designate the year; middle two digits designate the month; and last two digits designate the date.

<sup>2</sup> Unincorporated areas.

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

Issued: June 9, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

(FR Doc. 81-18209 Filed 6-19-81; 8:45 am)

BILLING CODE 6718-03-M

#### 44 CFR Part 64

[Docket No. FEMA 6088]

#### Suspension of Community Eligibility Under the National Flood Insurance Program

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

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

**EFFECTIVE DATE:** The third date ("Susp.") listed in the fifth column.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gary Johnson, National Flood Insurance Program, (202) 755-5581 or EDS Toll Free Line 800-638-6620 for the Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP) enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at

protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.



In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special

flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The

Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100, "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

#### § 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date <sup>1</sup> assistance no longer available in special flood hazard area
Alabama:					
Mobile	Mobile, city of	015007D	Sept. 11, 1970, emergency, Sept. 15, 1972, regular, July 2, 1981, suspended.	May 7, 1976, Oct. 20, 1978, Apr. 15, 1980, Apr. 1, 1981.	July 2, 1981.
Madison	Unincorporated areas	010151B	Aug. 26, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	July 1, 1977	Do.
Florida:					
Bay	Unincorporated areas	120094B	May 12, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Jan. 17, 1975, Aug. 12, 1977	Do.
Clay	Unincorporated areas	120064B	Feb. 26, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Jan. 17, 1975, Dec. 24, 1978	Do.
St. Johns	Hastings, town of	120282A	Sept. 25, 1970, emergency, July 2, 1981, regular, July 2, 1981, suspended.	July 19, 1974	Do.
Osceola	Kissimmee, city of	120190B	Dec. 13, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Apr. 30, 1976	Do.
Georgia:					
Chattam	Bloomington, city of	130452A	Oct. 6, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Oct. 15, 1976	Do.
McIntosh	Darien, city of	130131B	Apr. 24, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 10, 1974, Feb. 13, 1976	Do.
Illinois:					
Lake	Lake Villa, village of	170375B	Oct. 16, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 3, 1974, Sept. 19, 1975	Do.
St. Clair	Lebanon, city of	170629B	Sept. 6, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov. 16, 1973, Feb. 27, 1976	Do.
Lake	Mundelein, village of	170382B	Mar. 30, 1973, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 28, 1974, Sept. 12, 1975	Do.
Indiana: Adams	Decatur, city of	180001C	Apr. 3, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov. 23, 1973, Aug. 13, 1976, Feb. 16, 1979.	Do.
Iowa:					
Des Moines	Burlington, city of	190114C	Apr. 15, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 18, 1974, Feb. 27, 1976, Oct. 18, 1977.	Do.
Page	Clarinda, city of	190219B	Apr. 14, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 28, 1974, Jan. 2, 1976	Do.
Kentucky:					
Franklin	Frankford, city of	210075B	Apr. 23, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 7, 1974, Aug. 20, 1976	Do.
Kenton	Unincorporated areas	210126B	Dec. 26, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Oct. 18, 1974, July 1, 1977	Do.
Bell	Middlesboro, city of	215190B	Dec. 4, 1970, emergency, May 26, 1971, regular, July 2, 1981, suspended.	May 27, 1971, July 1, 1974, Nov. 14, 1975.	Do.
Louisiana:	Unincorporated areas	220017B	Apr. 20, 1973, emergency, May 18, 1981, regular, July 2, 1981, suspended.	Apr. 8, 1977	Do.
Massachusetts:					
Plymouth	East Bridgewater, town of	250264B	July 23, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Sept. 6, 1974, Oct. 22, 1976	Do.
Worcester	Gardner, city of	250305B	Sept. 4, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Sept. 6, 1974, Mar. 12, 1976	Do.
Berkshire	Hinsdale, town of	250026B	July 8, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Aug. 20, 1974, Aug. 6, 1976	Do.
Do	New Marlboro, town of	250033B	July 28, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 28, 1974, Aug. 27, 1976	Do.
Do	North Adams, city of	250034B	Mar. 20, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Mar. 8, 1974, Sept. 6, 1977	Do.
Norfolk	Plainville, town of	250249B	Oct. 29, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Aug. 16, 1974, July 30, 1976	Do.
Worcester	Princeton, town of	250329B	Oct. 15, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Aug. 30, 1974, Dec. 17, 1976	Do.
Middlesex	Reading, town of	250211B	July 11, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 21, 1977	Do.
Worcester	Spencer, town of	250335B	Nov. 5, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Sept. 13, 1974, Oct. 22, 1976	Do.
Middlesex	Tewksbury, town of	250218B	Dec. 10, 1971, emergency, July 18, 1977, regular, July 2, 1981, suspended.	Aug. 2, 1974, July 18, 1977	Do.
Hampden	Wales, town of	250152B	Aug. 11, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov. 19, 1976	Do.
Worcester	West Boylston, town of	250345B	Nov. 24, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	July 26, 1974, Apr. 8, 1977	Do.



State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date <sup>1</sup> assistance no longer available in special flood hazard area
Plymouth	Whitman, town of	250285B	Mar. 12, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Oct. 18, 1974, June 11, 1976	Do.
Michigan:					
Kent	Caledonia, township of	260693B	June 1, 1976, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Mar. 24, 1978	Do.
Eaton	Charlotte, city of	260065B	May 16, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 24, 1974, June 11, 1978	Do.
Wayne	Detroit, city of	260222B	Feb. 2, 1973, emergency, July 2, 1981, regular, July 2, 1981, suspended.	July 26, 1974, Feb. 7, 1975	Do.
Minnesota:					
Ramsey	Arden Hills, city of	270375B	Jan. 21, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Apr. 5, 1974, June 4, 1976	Do.
LeSueur	Waterville, city of	270251C	Apr. 23, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 17, 1974, Oct. 22, 1976, Sept. 9, 1977	Do.
New Jersey:					
Bergen	Fairlawn, borough of	340033B	Apr. 4, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Dec. 28, 1973, Feb. 6, 1976	Do.
Do	Glenn Rock, borough of	340038B	Feb. 12, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 28, 1974, Jan. 30, 1976	Do.
Passaic	North Haledon, borough of	340402B	Jan. 29, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 31, 1974, Apr. 2, 1976	Do.
North Dakota:					
Pembia	Cavalier, city of	380081B	June 18, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 24, 1974, Apr. 23, 1976	Do.
Cass	Horace, city of	380022A	Nov. 28, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov. 29, 1974	Do.
Do	Mapleton, city of	380023B	June 26, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov. 1, 1974, Jan. 16, 1976	Do.
Ohio: Montgomery	Germantown, village of	390411B	Jan. 16, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 28, 1974, May 28, 1976	Do.
Oklahoma: Tulsa	Owasso, city of	400210C	Apr. 26, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Jan. 16, 1974, Jan. 4, 1977, Aug. 9, 1977	Do.
Texas:					
Brazos	College Station, city of	480083B	Aug. 16, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 31, 1974, Sept. 12, 1975	Do.
Smith	Unincorporated areas	481185B	Jan. 5, 1979, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Jan. 3, 1978	Do.
Washington:					
Klickitat	Unincorporated areas	530099B	Sept. 6, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Sept. 6, 1974, Oct. 25, 1977	Do.
King	Skykomish, town of	530236A	Dec. 20, 1976, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Feb. 14, 1975	Do.
Wisconsin:					
Brown	Dapere, city of	550021C	June 12, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Dec. 28, 1973, June 4, 1976, Feb. 23, 1979	Do.
Outagamie	Hortonville, village of	550529A	Apr. 17, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov. 29, 1974	Do.

<sup>1</sup> Certain Federal assistance no longer available in special flood hazard area.

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

Issued: June 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18212 Filed 6-19-81; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 65

[Docket No. FEMA 6082]

#### List of Communities With Special Hazard Areas Under the National Flood Insurance Program

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

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of

appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

**EFFECTIVE DATE:** The effective date shown at the top right of the table or 30 days after the date of this Federal Register publication, whichever is later.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland. Room 5150, 451

Seventh Street, SW., Washington, DC 20410.

**SUPPLEMENTARY INFORMATION:** The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no



such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish

that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be

considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 or Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

**BILLING CODE 6718-03-M**



§ 65.3 List of communities with special hazard areas (FHBMs in effect).

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (N AND SUFFIX)	5 INLAND/COASTAL	6 HAZARD	7 603 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES	11 REVISION CODE(S)	12 RESCISSON	13 FLOODWAYS PANELS PRINTED	14 EFFECTIVE DATE	15 LOCATION OF MAP REPOSITORY
								FHBM	FIRM						
WI	550330	City of River Falls, Pierce & St. Croix Cos.	0001B 0003B	I	FL	B	1	3	1	10/12/73	N/A	N/A	N/A	July 3, 1981	City Hall 123 Elm Street River Falls, WI 54022
								3	1	5/17/74 5/21/76 12/24/76	N/A	N/A	N/A		
OH	390269	City of Hillsboro Highland Co.	0001C	I	FL	B	1	3	1	5/17/74 5/21/76 12/24/76	N/A	N/A	N/A	July 10, 1981	Mrs. Betty Bishop, Mayor 108 Governor Trimble Place Hillsboro, OH 45133 Phone: 513-393-3447
								2	1	N/A	N/A	N/A	N/A		
IL	171008	City of Bridgeport Lawrence County	0001A	I	FL	B	4	3	1	2/10/78 6/20/80	N/A	N/A	N/A	July 14, 1981	Arista Peneton, Jr. Mayor City Hall 111 E. Olive St. Bridgeport, IL 62417 (618) 945-2351
								3	1	N/A	N/A	N/A	N/A		
OH	390158	Fairfield County Unincorporated Areas	0001B 0002B 0003B 0004C 0005C 0006B 0007B 0008B	I	FL	B	1	3	1	2/10/78 6/20/80	N/A	N/A	N/A	July 14, 1981	Charles Deeds, President Co. Bd. of Commissioners Fairfield Co. Courthouse Lancaster, OH 43130 (614) 654-6530
								3	1	N/A	N/A	N/A	N/A		
OR	410205	City of Adams Umatilla County	0001C	I	FL	B	1	3	1	8/30/74 12/26/79 5/8/79	N/A	N/A	N/A	July 14, 1981	Cecil Rand, Mayor City Hall Adams, OR 97810 (503) 566-2677
								3	1	N/A	N/A	N/A	N/A		



EFFECTIVE DATE 7-17-81

1	2	3	4	5	6	7	8	9	10		11	12	13	14	
STATE	IDENT. NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (N AND SUFFIX)	INLAND/ COASTAL	HAZARD	60.3 CODE	PROGRAM STATUS	STATUS OF		PREVIOUS MAP DATES		REVISION CODE(S)	RESCISSON	FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY
								FIRM	FIRM	FIRM	FIRM				
NC	370063	Clay County	0025A 0050A 0075A	I	FL	B	1	2	I	N/A	N/A	N/A	N/A	N/A	Mr. B. Howard Wimpey, County Commissioner P.O. Box 118 Hayesville, North Carolina 28904
NC	370105	Graham County	0025A 0050A 0075A 0100A	I	FL	B	1	2	I	N/A	N/A	N/A	N/A	N/A	Mr. Daryl Crisp, County Manager Box 575 Robbinsville, North Carolina 28771
OH	390272	Hocking Co. (Uninc. Area)	Index 0001B 0002B 0003B 0004B 0005B 0006B 0007B 0008B	I	FL	B	1	3	I	12/30/77	N/A	9 10 16	N/A	N/A	John Bumgardner County Administrator Hocking County Courthouse Main Street Logan, OH 43138 Phone: 614-385-5195
WV	540057	Town of Lost Creek (Harrison Co.)	0001B	I	FL	B	1	3	I	5/31/74 3/26/76	N/A	9 10 16	N/A	N/A	Mr. Homer Lohr, Mayor P.O. Box 216 Lost Creek, WV 26385 Home Phone: 304-745-4113 Work Phone: 304-623-9531
OR	410215	City of Weston Umatilla Co.	0001B	I	FL	B	1	3	I	5/17/74 12/15/75	N/A	8 9	N/A	N/A	Lyn Delph, Mayor P. O. Box 427 Weston, OR (503) 566-3313
OR	410206	City of Athena Umatilla County	0001B	I	FL	B	1	3	I	11/2/73 4/16/76	N/A	8 9	N/A	N/A	Robert Frink, Mayor P. O. Box 497 Athena, OR 97813 (503) 666-3862

BILLING CODE 5718-00-C



**Community Map Actions**

(Codes: Where no entry is necessary use N/A)

**Column Code:**

1. Two-letter state designator.
2. FIA Community 6-digit identity number.
3. Community name, County(ies) name.
4. Four-digit number and suffix of each FIRM or FHBm panel printed.
5. INL/Coast:  
I=Inland  
C=Coastal
6. Hazard:  
FL=Flood  
MS=Mudslide  
ER=Erosion  
NF=Non-Flood Prone  
MF=Minimally Flood Prone
7. 60.3 Code:  
A=Special Hazard not defined, no elevation data (No FHBm)  
B=Special Hazard Designated, no elevation data (FHBm)  
C=FIRM, No Floodway or Coastal High Hazard  
\*D=FIRM, Regulatory Floodway Designated  
\*E=FIRM, Coastal High Hazard
8. Program Status:  
1=Emergency  
2=Regular  
3=Not Participating, No Map  
4=Not Participating, With Map  
5=Withdrew  
6=Suspended
9. FHBm Status:  
1=Never Mapped  
2=Original  
3=Revised  
4=Rescinded  
5=Superseded by Firm
9. FIRM Status:  
1=Never Mapped  
2=Original  
3=Revised  
4=Rescinded  
5=All Zone C—No Published Firm  
6=All Zones A and C—No Elevations Determined
10. Dates of All Previous Maps.
11. Revision Codes:  
1. 1916 BFE (Base Flood Elevation) Decrease  
2. 1916 BFE Increase  
3. 1916 SFHA (Special Flood Hazard Area) Change  
4. Change of Zone Designation: revised FIRM  
5. Curvilinear  
6. 1914 Incorporation  
7. 1914 Discorporation  
8. 1914 Annexation  
9. SFHA Reduction  
10. Non-1916 SFHA Increase Without Numbered Zones

\*Dual entry is available.

11. Non-1916 SFHA Increase With Numbered Zones
12. Drafting Correction: Printing Errors
13. Suffix Change ONLY
14. Change to Uniform Zone Designations (7/1/74)
15. Revisions Withdrawn
16. Refunds Possible
17. Letter of Map Amendment (1916)
18. Letter of Map Amendment (1916 without Federal Register publication)
19. Federal Register Omission
20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
21. Miscellaneous
13. List of Numbered Floodway Panels Printed
14. Address of Community Map Repository

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

Issued: June 9, 1981.

Richard W. Krimm,  
Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18210 Filed 6-19-81; 8:45 am]

BILLING CODE 6718-03-M

**44 CFR Part 65**

(Docket No. FEMA 6087)

**Identification and Mapping of Special Flood Hazard Areas; Changes in Special Flood Hazard Areas Under the National Flood Insurance Program**

**AGENCY:** Federal Insurance Administration.

**ACTION:** Interim rule.

**SUMMARY:** This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

**DATES:** These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any

person has ninety (90) days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

**ADDRESSES:** The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6570.

**SUPPLEMENTARY INFORMATION:** The numerous changes made in the base (100-year) flood elevations of the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.4 (Presently appearing at its former Section 24 CFR 1915).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

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

These elevations, together with the flood plain management measures required by 60.3 (presently appearing at its former Section 1910.3) of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The



community may at any time, enact stricter requirements on its own, or pursuant to policies established by other

Federal, State or regional entities.  
The changes in the base (100-year)  
flood elevations listed below are in

accordance with 44 CFR 65.4. (Presently  
appearing at its former Section 24 CFR  
Part 1915.4):

# § 65.4 [Amended]

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Connecticut: Fairfield	Town of Stratford	<i>The Bridgeport Post</i> , July 25, 1980, Aug. 1, 1980.	Mr. Michael Brown, Town Manager, Town of Stratford, 2725 Main Street, Stratford, Connecticut 06497.	Aug. 1, 1980	090016, 0001B, 0002B
Florida: Seminole	City of Altamonte Springs	<i>Evening Herald</i> , Aug. 29, 1980, Sept. 5, 1980.	Honorable N. C. Floyd, Sr., Mayor, City of Altamonte Springs, 225 Newburyport Avenue, Altamonte Springs, Florida 32701.	Aug. 22, 1980 (66B)	120290A
Maryland: Frederick	Unincorporated areas	<i>Frederick News-Post</i> , Nov. 30, 1979, Dec. 7, 1979, Jan. 2, 1980.	Mrs. Mary G. Williams, President, Board of Commissioners, Winchester Hall, East Church Street, Frederick, Maryland 21701.	Aug. 8, 1980	240027, 0175B, 0195B, 0250B
Massachusetts: Hampden	City of Holyoke	<i>The Holyoke Transcript</i> , Aug. 1, 1980, Aug. 8, 1980.	Honorable Ernest E. Proak, Mayor, City of Holyoke, Holyoke, Massachusetts 01040.	do	250142, 0008C
Minnesota: Blue Earth	City of Mankato	<i>Free Press</i> , Sept. 19, 1980, Sept. 26, 1980.	Honorable Herbert Macal, City of Mankato, 202 East Jackson Street, Mankato, Minnesota 56001.	Aug. 26, 1980	275242B
Ohio: Trumbull	Village of McDonald	<i>Niles Daily News</i> , Aug. 1, 1980, Aug. 8, 1980.	Honorable Thomas Leskovic, Village of McDonald, Village Hall, Ohio and Fifth, McDonald, Ohio 44437.	Aug. 8, 1980	390553B, 0001B
Texas: Hunt	City of Greenville	<i>Herald Banner</i> , Aug. 25, 1980, Aug. 26, 1980.	Honorable William F. Elkins, Mayor, City of Greenville, 2821 Washington Street, P.O. Box 1049, Greenville, Texas.	Aug. 26, 1980	485473, 0005C, 0010C
Vermont: Rutland	Town of Pawlet	<i>Rutland Herald</i> , July 25, 1980, Aug. 1, 1980.	Mr. H. Ashley Waite, Chairman, Board of Selectmen, Town Hall, Town of Pawlet, Pawlet, Vermont 05761.	Aug. 1, 1980	500097, 0005C, 0010C, 0015C, 0020C
Washington: King	City of Normandy Park	<i>Highline Times</i> , Nov. 28, 1979, Dec. 5, 1979.	Honorable John T. Dawson, Mayor, City of Normandy Park, 240 S.W. 200th, Normandy Park, Washington 98166.	Aug. 5, 1980	530084, 0001C 0002C
Delaware: Sussex	City of Lewes	<i>The Whale</i> , Mar. 26, 1980, Apr. 2, 1980.	Mr. Ronald Donovan, City Manager, City of Lewes, P.O. Box 227, Lewes, Delaware 19058.	Nov. 7, 1980	100041C
Florida: Dade	Unincorporated area	<i>The Miami Herald</i> , Nov. 7, 1980, Nov. 14, 1980.	Mr. Merritt Stierham, County Executive, Dade County, Dade County Courthouse, Room 911, 73 West Flagler Street, Miami, Florida 33131.	Nov. 14, 1980	125098D
Kentucky: Henderson	City of Henderson	<i>Gleaner Journal</i> , Mar. 18, 1980, Mar. 25, 1980.	Honorable William J. Newman, Mayor, City of Henderson, P.O. Box 716, Henderson, Kentucky 42420.	Nov. 21, 1980	210109C
Minnesota: Washington	City of Stillwater	<i>Stillwater Gazette</i> , Nov. 7, 1980, Nov. 14, 1980.	Honorable David Junker, City of Stillwater, 216 North Fourth Street, Stillwater, Minnesota 55062.	Nov. 14, 1980	275249B
Missouri: Cape Girardeau	City of Jackson	<i>Cash Book Journal</i> , Mar. 19, 1980, Mar. 26, 1980.	Honorable Carlton G. Meyer, Mayor, City of Jackson, City Hall, 225 South High Street, Jackson, Missouri 63755.	Nov. 18, 1980	295265B
New York: Broome	Town of Union	<i>The Binghamton Press</i> , Nov. 14, 1980, Nov. 21, 1980.	Mr. Richard Miller, Town Supervisor, Town of Union, Town Hall, 3111 East Main Street, Endwell, New York 13760.	Nov. 21, 1980	360056B
Texas: Guadalupe	Unincorporated areas	<i>Seguin Gazette-Enterprise</i> , Apr. 3, 1980, Apr. 10, 1980.	Honorable Joe B. Fleming, County Judge, Guadalupe County Courthouse, Seguin, Texas 78155.	Nov. 25, 1980	480266, 0175C
Colorado: Arapahoe	Town of Columbine Valley	<i>Little Independent</i> , Dec. 2, 1980, Dec. 4, 1980.	Honorable William Graham, Mayor, Town of Columbine Valley, 17A Fairway Lane, Little, Colorado 80123.	Dec. 2, 1980	080014C
Do	City of Greenwood Valley	<i>Southeast Suburban Country Squire</i> , Dec. 10, 1980, Dec. 17, 1980.	Honorable Samuel Jenkins, Mayor, City of Greenwood Village, 8060 South Quebec St., Englewood, Colorado 80111.	Dec. 16, 1980	080195B
Massachusetts: Plymouth	City of Brockton	<i>The Brockton Enterprise</i> , Dec. 19, 1980, Dec. 26, 1980.	Honorable David E. Crosby, Mayor, City of Brockton, City Hall, Brockton, Massachusetts 02401.	Dec. 26, 1980	250161C
Missouri: Clay	Village of Claycomo	<i>Kansas City Star</i> , Dec. 1, 1980, Dec. 2, 1980.	S. W. Winter, Chairman, Village of Claycomo, City Hall, 115 East 69 Highway, Claycomo, Missouri 64119.	Dec. 2, 1980	290089C
Greene	City of Springfield	<i>The Springfield Leader and Press</i> , Dec. 29, 1980, Dec. 30, 1980.	Honorable Paul L. Redearn, Jr., Mayor, City of Springfield, 830 Boonville, Springfield, Missouri 65802.	Dec. 19, 1980 (66B)	290149A
New Jersey: Camden	Borough of Collingswood	<i>The Retrospect</i> , Nov. 27, 1980, Dec. 4, 1980.	Honorable Michael Brennan, Mayor, Borough of Collingswood, 400 Virginia Avenue, Collingswood, New Jersey 08108.	Dec. 5, 1980	340131C
Do	Borough of Laurel Springs	<i>The Record Breeze</i> , Dec. 3, 1980, Dec. 10, 1980.	Honorable Jack H. Hagen, Mayor, Borough of Laurel Springs, 135 Broadway, Box 475, Laurel Springs, New Jersey 08021.	Dec. 12, 1980	340547B
Essex	Town of West Orange	<i>The West Orange Chronicle</i> , Dec. 4, 1980, Dec. 11, 1980.	Honorable Samuel A. Spina, Mayor, Town of West Orange, 60 Main Street, West Orange, New Jersey 07052.	Dec. 12, 1980	340197B



State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Oregon: Tillamook	City of Tillamook	<i>Headlight Herald</i> , Dec. 17, 1980, Dec. 24, 1980.	Honorable Donald C. Hurd, Mayor, City of Tillamook, 1902 Third Street, Tillamook, Oregon 97141.	Dec. 23, 1980	410202C
Texas: Collin	City of Plano	<i>Plano Daily Star-Courier</i> , Jan. 19, 1981, Jan. 20, 1980.	Honorable James W. Edwards, Mayor, City of Plano, 1117 15th Street, P.O. Box 358, Plano, Texas 75074.	Dec. 26, 1981 (66B)	480140A
Guadalupe	City of Seguin	<i>Seguin Gazette-Enterprise</i> , May 14, 1980, May 15, 1980.	Honorable Alfred Koebig, Mayor, City of Seguin, 205 North River Street, P.O. Box 591, Seguin, Texas 78155.	Dec. 12, 1980	485508C
Utah: Utah	City of Provo	<i>The Daily Herald</i> , Apr. 22, 1980, Apr. 23, 1980.	Honorable James E. Ferguson, Mayor, City of Provo, 359 West Center Street, P.O. Box 1849, Provo, Utah 84601.	Dec. 2, 1980	490159C
Florida: Indian River	Indian River County	<i>Vero Beach Press Journal</i> , Feb. 22, 1980, Feb. 29, 1980.	Mr. Jack G. Jennings, Administrator, Indian River County, 2145 14th Avenue, Vero Beach, Florida 32960.	Jan. 23, 1981	120119B
Illinois: Cook County	Village of Schaumburg	<i>The Daily Herald</i> , Jan. 9, 1981, Jan. 16, 1981.	Honorable Raymond Kessel, Village of Schaumburg, 101 Schaumburg Court, Schaumburg, Illinois 60193.	Jan. 16, 1981	170158C
Pennsylvania: Chester County	Village of East Vincent	<i>The Mercury</i> , Jan. 1, 1981, Jan. 15, 1981.	Mr. Everett H. Wilson, Chairman of Supervisors, Township of East Vincent, Wilson Road, R.D. 2, Phoenixville, Pennsylvania 19475.	do	420276B
North Carolina: Dare County	Town of Southern Shores	<i>Coastline Times</i> , Dec. 30, 1980, Jan. 8, 1981.	Honorable Kern P. Pitts, Mayor, Town of Southern Shores, P.O. Box 272, Kitty Hawk, North Carolina 27949.	Jan. 9, 1981	370430A
South Carolina: Charleston County	Town of Mount Pleasant	<i>Moutrie News</i> , Jan. 21, 1981, Jan. 29, 1981.	Mr. Ted Shogry, Town Administrator, Town of Mount Pleasant, P.O. Box 745, Mount Pleasant, South Carolina 29464.	Jan. 9, 1981	455417
Tennessee: Hamblen County	City of Morristown	<i>Citizens Tribune</i> , Apr. 18, 1980, Apr. 25, 1980.	Honorable John R. Johnson, Mayor, City of Morristown, P.O. Box 1499, Morristown, Tennessee 37814.	Jan. 2, 1981	470070C
Utah: Utah County	City of Payson	<i>The Payson Chronicle</i> , Dec. 31, 1980, Jan. 7, 1981.	Honorable Gary S. Hansen, Mayor, City of Payson, 439 West Utah Avenue, P.O. Box 118, Payson, Utah 84651.	Jan. 6, 1981	490157C
Wisconsin: Marathon	City of Wausau	<i>Wausau Daily Herald</i> , Mar. 6, 1981, Mar. 13, 1981.	Honorable John L. Kannenberg, City of Wausau, 407 Grant Street, Wausau, Wisconsin 54401.	Jan. 5, 1981	550511C
Colorado: Arapahoe and Douglas Counties	City of Littleton	<i>The Littleton Independent</i> , June 19, 1980, June 26, 1980.	Honorable James Collins, Mayor, City of Littleton, 2255 West Berry Avenue, Littleton, Colorado 80165.	Feb. 3, 1981	080017C
Boulder	City of Boulder	<i>The Boulder Daily Camera</i> , June 30, 1980, July 1, 1980.	Honorable Ruth Correll, Mayor, City of Boulder, 1777 Broadway, P.O. Box 791, Boulder, Colorado 80306.	Feb. 24, 1981	080024C
Do	do	<i>Daily Camera</i> , Mar. 3, 1981, Mar. 4, 1981.	do	Feb. 20, 1981 (66-B)	080024B
Illinois: Cook	Village of La Grange	<i>Suburban Light</i> , Feb. 14, 1981, Feb. 21, 1981.	Mr. William H. Garhart, Village of La Grange, 53 South La Grange Road, La Grange, Illinois 60525.	Feb. 13, 1981	170114B
Minnesota: Ramsey	City of Saint Paul	<i>Saint Paul Dispatch</i> , July 11, 1980, July 18, 1980.	Honorable George Latimer, City of Saint Paul, 347 City Hall, Saint Paul, Minnesota.	Feb. 20, 1981	275248B
Ohio: Hamilton	City of Madera	<i>Northeast Suburban Life</i> , July 9, 1980, July 16, 1980.	Mr. Harry Price, City Manager, City of Madera, 7141 Miami Avenue, Madera, Ohio 45243.	do	390225B
Richland	Village of Lexington	<i>Mansfield News Journal</i> , July 25, 1980, Aug. 1, 1980.	Mr. Charles Pschoika, Village Administrator, Director—Village of Lexington, 44 West Main Street, Lexington, Ohio 44904.	Feb. 22, 1981	390518D
Washington: Okanogan	Okanogan County	<i>Omak Chronicle</i> , July 3, 1980, July 10, 1980.	Mr. Melvin Kuhlmann, County Commissioner's Office, Okanogan County Courthouse, P.O. Box 791, Okanogan, Washington 98840.	Feb. 10, 1981	530117B
Wisconsin: Buffalo	City of Alma	<i>The Buffalo County</i> , July 10, 1980, July 17, 1980.	Honorable Alan Kirchner, City of Alma, Alma, Wisconsin 54610.	Feb. 20, 1981	555540C
Winnebago	City of Oshkosh, Northwestern	<i>Oshkosh Northwestern</i> , July 11, 1981, July 17, 1981.	Mr. William Frueth, City Manager, P.O. Box 103, Oshkosh, Wisconsin 54902.	do	550511C
Alabama: Tuscaloosa	City of Newport	<i>Tuscaloosa News</i> , June 5, 1981, June 12, 1981.	Honorable J. Frank Manderson, Mayor, City of Newport, P.O. Drawer L, Northport, Alabama 35476.	Mar. 27, 1981	010202C
Colorado: Adams	City of Northglenn	<i>Dispatch Sentinel</i> , Aug. 14, 1980, Aug. 21, 1980.	Honorable Odell Barry, Mayor, City of Northglenn, 10701 Melody Drive, Suite 305, Northglenn, Colorado 80625.	Mar. 31, 1981	080257B
Connecticut: Hartford	Town of Simsbury	<i>Farmington Valley Herald</i> , Mar. 19, 1981, Mar. 26, 1981.	Mrs. Margaret Shanks, First Selectman, Board of Selectmen, Town of Simsbury, Town Hall, P.O. Box 495, Simsbury, Connecticut 06070.	Mar. 27, 1981	090035B
New Mexico: McKinley	City of Gallup	<i>Gallup Independent</i> , Aug. 11, 1980, Aug. 12, 1980.	Honorable F. Wayne Lewis, Mayor, City of Gallup, P.O. Box 1270, Gallup, New Mexico 87301.	Mar. 17, 1981	350042C
North Dakota: Pembina	City of Drayton	<i>Drayton Express</i> , Mar. 19, 1981, Mar. 26, 1981.	Honorable Donald M. Brown, Mayor, City of Drayton, P.O. Box 285, Drayton, North Dakota 58225.	Mar. 24, 1981	380150D



State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community-No.
Oregon: Clatsop	City of Cannon Beach	Daily Astorian, Mar. 26, 1981, Mar. 27, 1981.	Honorable John Williams, Mayor, City of Cannon Beach, P.O. Box 368, Cannon Beach, Oregon 97110.	Mar. 3, 1981 (66-B)	410029B.
Tennessee: Williamson	City of Franklin	Review-Appeal, Mar. 20, 1981, Mar. 27, 1981.	Honorable Dr. Jeffrey Bethum, Mayor, City of Franklin, P.O. Box 305, Franklin, Tennessee 37060.	Mar. 16, 1981	470206B.
Texas: Aransas	City of Rockport	Rockport Pilot, Mar. 26, 1981, Apr. 2, 1981.	Honorable Walter S. Falk, Jr., Mayor, City of Rockport, 319 North Broadway, Rockport, Texas 78382.	Mar. 3, 1981 (66-B)	485504C.
Brazoria	City of Alvin	Alvin Sun, Aug. 13, 1980, Aug. 14, 1980.	Honorable Allen Gray, Mayor, City of Alvin, 216 West Sady Street, Alvin, Texas 77511.	Mar. 24, 1981	485451E.

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

Issued: June 4, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-18211 Filed 6-19-81; 8:45 am]

BILLING CODE 6710-03-M

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 172

[Docket No. HM-171; Amdt. No. 68]

#### Use of United Nations Shipping Descriptions; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a final rule issued under Docket HM-171, Use of United Nations Shipping Descriptions, which was published in the Federal Register on Monday, June 1, 1981 (46 FR 29392). This action is necessary to correct certain errors in the Optional Hazardous Materials Table published in that rule. Since use of the Optional Hazardous Materials Table is not mandatory, this rule will not impose an undue burden on persons affected by the regulations.

**EFFECTIVE DATE:** June 22, 1981.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Altemos (202-426-0656), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590. Office hours are from 8:00 a.m. to 4:30 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** As indicated in the final rule published June 1, 1981, the Optional Hazardous Materials Table was amended to reflect changes published in Amendments 17-79 and 18-79 to the Inter-Governmental

Maritime Consultative Organization's International Maritime Dangerous Goods Code (IMCO Code). Since the publication of the final rule, several errors have been noted. The primary purpose of this amendment is to correct these errors in order to maintain consistency between the Optional Table and the IMCO Code.

Specific changes to entries are as follows:

(1) In two instances proper shipping names were revised but cross references to the proper shipping names were not correspondingly amended. These cross-references are appropriately corrected by this document.

(2) The entries "Solvents, (toxic), n.o.s." and "Solvents, (non-toxic), n.o.s." and the entry "Cleaning compounds, liquid, corrosive" were deleted from the IMCO Code by Amendments 17-79 and 18-79 respectively but were inadvertently retained in the Optional Table. Since these entries are no longer acceptable descriptions in the IMCO Code, they are being deleted from the Optional Table.

(3) The series of symbols "< - &" was inadvertently printed in nine entries in the Optional Table. This series of symbols is being deleted wherever it appears.

When the Optional Table was republished, asterisks (\*) were inserted in Column (1) of the table to assist the reader in identifying new or amended entries. Since these asterisks were intended as guidance material only and are not to appear in the next reprint of the Optional Table in the Code of Federal Regulations this amendment also deletes all asterisks which appear in Column (1) of the Optional Table.

Since this rule does not impose mandatory additional requirements,

notice and procedure thereon are considered unnecessary.

In consideration of the foregoing, the Optional Hazardous Materials Table in § 172.102, page 29392, is corrected as follows:

#### § 172.102 [Corrected]

(a) On page 29402, the entry "Butyl phosphoric acid. See Acid butyl phosphate" is corrected to read "Butyl phosphoric acid. See Butyl acid phosphate"

(b) On page 29425, the entry "Phenylacetone nitrile. See Benzyl cyanide, liquid" is removed.

(c) On page 29431, the entry "Solvents, (non-toxic), n.o.s." is removed.

(d) On page 29431, the entry "Solvents, (toxic), n.o.s." is removed.

(e) On page 29405, the entry "Cleaning compounds, liquid, corrosive" is removed.

(f) The symbol "" is deleted wherever it appears in Column (1).

(g) The series of symbols "< - &" is deleted wherever it appears in Column (2).

**Note.**—The Materials Transportation Bureau has determined that since this rule does not impose additional requirements and should have the net result of reducing costs and duplicative regulatory burdens, this document will not result in a "major rule" under the terms of Executive Order 12291, nor is it a "significant regulation" under DOT's regulatory policy and procedures (44 FR 11034). Furthermore, this rule does not 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 in Washington, D.C., on June 15, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-16286 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-60-M

## National Highway Traffic Safety Administration

### 49 CFR Part 571

[Docket No. 1-21; Notice 6]

## Federal Motor Vehicle Safety Standards; Theft Protection

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.  
**ACTION:** Final rule; response to petitions for reconsideration.

**SUMMARY:** This notice responds to ten petitions for reconsideration concerning Safety Standard No. 114, *Theft Protection*. In response to the petitions, the agency is (1) exempting walk-in vans from the requirements of the standard; (2) exempting open-body type vehicles with readily removable or no doors from the key-in-ignition warning requirement; (3) clarifying the provision which requires a manufacturer to have 1,000 different key combinations for each type of vehicle; and (4) deleting the provision, adopted in the last notice, that is designed to prevent the driver from inadvertently locking the steering column while his or her vehicle is in motion. This notice also makes a technical amendment to the standard.

**DATES:** The amendment deleting the inadvertent activation requirements for passenger cars is effective on September 1, 1982. The remaining amendments become effective on September 1, 1983. This is the effective date previously established for Standard No. 114 to become applicable to trucks and multipurpose passenger vehicles (MPV's) having a gross vehicle weight rating of 10,000 pounds or less.

**FOR FURTHER INFORMATION CONTACT:** Mr. Nelson Erickson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2720).

**SUPPLEMENTARY INFORMATION:** On December 29, 1980, NHTSA published in the Federal Register (45 FR 85450) a final rule making certain amendments to Safety Standard No. 114, *Theft Protection* (49 CFR 571.114). These amendments extended the applicability of the standard to trucks and multipurpose passenger vehicles (MPV's) with a gross vehicle weight

rating (GVWR) of 10,000 pounds or less. The amendments also upgraded the performance requirements of the standard to prevent the driver from inadvertently locking the steering wheel while his or her vehicle is in motion.

Petitions for reconsideration were subsequently filed within the prescribed time limits by the Motor Vehicle Manufacturers Association (MVMA), BMW of North America, Inc. (BMW), American Motors Corporation (AMC), Alfa Romeo, General Motors Corporation (GM), Volkswagen of America, Inc. (VW), Fiat Motors of North America, Inc. (Fiat), Chrysler Corporation (Chrysler), Automobile Importers of America, Inc. (AIA), and Mercedes-Benz of North America, Inc. (Mercedes). In addition, Renault U.S.A., Inc., filed a comment with the agency in which it concurred in the petitions filed by VW and AIA. After evaluating these petitions, the agency has decided to modify, as fully detailed below, some of the requirements of the standard. The agency is also making a technical amendment to the standard in this notice. To the extent set forth below, the petitions are granted. Otherwise, they are denied.

### Exemption for Walk-In Vans and Open-Body Type Vehicles

In general, the reaction of the petitioners to the amendments extending the standard to light trucks and vans was positive. Chrysler stated that Standard No. 114 has been effective in deterring motor vehicle theft by amateur thieves and joyriders and thus it approves of the extension. However, several petitioners asked for an exemption from all or parts of the rule for specific types of vehicles.

GM requested that walk-in vans be exempted from all of the standard's requirements. (A walk-in van is a "step-van" city delivery type of vehicle that permits a driver to enter the vehicle without stooping. Such vans are typically used to deliver lightweight, bulky merchandise such as bakery products or dry cleaning. GM describes a walk-in van as a forward control chassis which it designates as a "P truck.") GM argues that such vehicles should be exempted from the standard because there are no data to indicate a significant theft problem with these vans. Walk-in vans are exempted from the requirements of Safety Standards Nos. 203, 204, 212, and 219 because compliance with these standards "would not accomplish the safety benefits projected for passenger cars" and because these vehicles are used for low-speed city delivery service and thus are not exposed to the risk of high-speed

accidents. According to GM, the lack of data indicating a theft problem provides a similar reason for exempting walk-in vans from Standard No. 114. GM notes that without the exemption, a new steering column might have to be designed, tested, tooled and manufactured for this vehicle. The petitioner suggests that the cost of such a column to purchasers could be "significant" since a low number of walk-in vans are produced.

The fact that GM might have to redesign the steering column used in these vehicles if it is forced to comply with the rule is not dispositive by itself. Compliance with any new standard or amendment to an existing rule typically requires a vehicle or equipment manufacturer to make design or tooling changes. This fact is considered by the agency in deciding whether to adopt a proposed rule or amendment.

However, the agency has decided to exempt walk-in vans from the requirements of Standard No. 114. Walk-in vans are generally commercial vehicles that have minimal capacity to accelerate and thus are not attractive to the youthful joyrider. NHTSA expects that as a result the theft rate of these vehicles is considerably less than the theft rate of other light trucks and vans. The theft rate of walk-in vans manufactured by Chevrolet and GMC supports this. The 1979 nationwide theft rate of all registered model years 1972-1980 walk-in vans manufactured by Chevrolet and GMC was one-third of the 1979 nationwide theft rate of all registered model years 1972-1980 light trucks that were built by these companies. NHTSA derived this statistic from information supplied by R. L. Polk, Inc. and National Automobile Theft Bureau. Thus NHTSA has decided to grant GM's petition and exempt walk-in vans from the requirements of the standard. However, the agency will continue to monitor the theft and accident rates of these vehicles, and will initiate rulemaking should the data indicate that application of the standard's requirements would yield a significant safety benefit.

AMC and MVMA requested that open-body type vehicles which lack a driver's door or have one that can be readily removed be exempted from the standard's key-warning requirements (paragraph S4.7 of the December 1980 final rule, renumbered S4.5 in today's rule). (An open-body type vehicle is a vehicle that has no occupant compartment top or one that can be installed or removed by the user at his or her convenience.) The petitioners argued that it is impracticable and



unreasonable to require a key-warning system that is activated when the driver's door is open on a vehicle whose driver's door has been removed or on a vehicle which was produced without a driver's door. NHTSA agrees with this argument and so is amending the standard to exempt open-body type vehicles from the warning requirements. Only vehicles without doors or with readily removable ones are so exempted.

The agency notes that a seat sensor could be used to signal the presence of the key in the ignition after the driver has left the vehicle. A requirement for such a system was not within the scope of the proposal and thus could not be adopted here. NHTSA encourages manufacturers of open-body type vehicles that are exempted from the standard's warning requirements to voluntarily employ a system such as this.

#### Number of Key Combinations

Paragraph S4.6 of Standard No. 114 as amended in the December 1980 notice (paragraph S4.4 in today's rule) specifies the minimum number of different combinations of the key-locking systems required of a manufacturer for each vehicle type. The provision requires that manufacturers have 1,000 combinations for a type of vehicle or a number equal to the number of vehicles of that type, whichever is less. The purpose of the requirement is to ensure that each manufacturer has a sufficiently large number of key combinations so that thieves are not readily able to unlock and start vehicles through the use of master keys.

VW in its petition requested that this provision be modified. Although the petitioner does not state its position directly, it appears that VW has misinterpreted the requirement. VW implies that the provision requires a manufacturer to have, for each vehicle type, 1,000 key combinations that are not only different from each other, but also different from the key combinations used for other types of vehicles built by that manufacturer. This is not the case. Paragraph S4.6 of the standard as amended in the last notice only requires that a manufacturer who builds 1,000 or more vehicles of a particular type have at least 1,000 different key combinations. If a manufacturer builds more than one type of vehicle, it is free to use the same key combinations for two or more types of vehicles. Thus a manufacturer who builds 2,000 passenger cars and 1,100 trucks need only have 1,000 key combinations, which may be used for both the trucks

and the passenger cars. The standard has been amended to clarify this point.

It is not necessary for a manufacturer to have more than 1,000 key combinations in order to achieve the objectives of the requirement. The agency finds that 1,000 different key combinations is a sufficiently high number to discourage thieves. Speed in entering and starting a vehicle is critical to successful vehicle theft. The agency finds that the key-combinations requirement will do much to slow down the efforts of thieves using master keys.

In its petition, VW complains that the phrases "for a type of vehicle" and "vehicles of that type" as they are used in paragraph S4.6 are unclear. "Vehicle type" and similar phrases have long been used by the agency typically to refer to groups of vehicles such as passenger cars and trucks. To ensure that there is no confusion in the future as to the meaning of "vehicle type," the agency is defining this phrase in the definitions paragraph (S3) of today's rule.

#### Inadvertent Activation

The amendments regarding inadvertent activation of the steering column lock were the most controversial of all the amendments adopted in the December 1980 final rule. These provisions (S4.3 and S4.5 of the standard as amended by that rule) were intended to prevent the driver from accidentally locking the steering system while the vehicle is in motion. For example, a panicked driver might accidentally lock the steering column in an emergency situation in which he or she turns off the engine in an attempt to stop the vehicle (such as when the vehicle suddenly accelerates due to a stuck throttle cable). The inadvertent activation provisions were intended to prevent the driver from locking the steering column in a situation such as this by requiring him or her to perform a series of separate and distinct acts in order to activate the locking system.

In the preamble to the December 1980 final rule, the agency described two currently used locking systems that meet the agency's objectives. In one system, found in many vehicles equipped with an automatic transmission and a column-mounted transmission shifter, the shifter must be moved into "park" or "reverse" before the steering lock is engaged. The other system requires the driver to push a key release lever or button and move the key into the "lock" position in order to activate the lock. This system is effective only if the button is located in a position such that the driver must use both hands to operate the system (henceforth referred

to as the two-hand button system.) The system does not comply with the agency's intent if the button or lever is positioned such that the driver can push the key-release mechanism and simultaneously turn the key to "lock" using only one hand (henceforth referred to as the one-hand button system).

Mercedes, VW and Chrysler agreed that there is a need to prevent drivers from accidentally locking up the steering column of a moving vehicle. However, these and many other petitioners objected to the particular provisions regarding inadvertent activation that were finally adopted by the agency. The petitioners saw various problems with the amendments.

One basic problem raised by many petitioners was an inconsistency between S4.5 and the intent of the agency as expressed in the preamble to the December 1980 final rule. In the preamble, NHTSA rejected the Economic Commission for Europe (ECE) anti-theft regulation. The agency thereby implicitly rejected those locking systems which are activated by the removal of the key and which permit the key to be removed without the driver's first having to operate a button or lever (henceforth referred to as buttonless systems). However, paragraph S4.5 of the final rule can be interpreted to permit the use of these systems.

Virtually all the petitioners complained that the agency failed to demonstrate a safety need for the inadvertent activation requirements as described in the December 1980 preamble. Alfa Romeo, BMW, VW, and Mercedes all stated that they have employed locking systems that comply with the ECE regulation for many years and have never received any report of an accident of fatality resulting from the inadvertent activation of a lock on a moving vehicle. GM similarly stated that it knows of only five incidents of accidental lock-up among the more than five million vehicles sold in the past ten years that are equipped with a one-hand button system.

Many petitioners argued that even if there were a safety need for the new requirements, these requirements as proposed in the preamble to the final rule may fail to achieve the benefits anticipated by the agency. They suggested that some people might find a two-hand button system (the cheapest available alternative that complies with the new requirements) so inconvenient that they will leave their keys in the vehicle when making short stops and thus leave their cars more vulnerable to theft. A two-hand button system may be difficult, painful, or impossible for



handicapped or arthritis-ridden people to use. These individuals might be similarly inclined to leave their keys in the ignition. Finally, some drivers might develop a reflex action with a two-hand button system, just as they have done so with buttonless and one-hand button systems.

Several manufacturers alleged that compliance with the inadvertent activation requirements as described in the December 1980 preamble will necessitate major design and tooling changes. Mercedes and VW stated that they will have to modify not only the steering column but also the instrument panel if they are forced to comply with the new provisions. Three foreign manufacturers suggested that the agency's rejection of the ECE regulation is not in line with current attempts to harmonize Federal motor vehicle safety standards with automotive standards of other countries.

AMC and AIA complained of lack of notice. They argued that although the general issue of inadvertent activation of the steering column lock was discussed in the NPRM, the notice did not mention the idea of requiring drivers to perform an additional mechanical action in order to activate the steering column lock.

After careful consideration of all arguments raised by the petitioners and further study of the consumer complaints received about inadvertent activation of the steering column lock in moving vehicles, NHTSA has decided to delete the amendments regarding inadvertent activation that were adopted in the December 1980 notice. The agency disagrees with those petitioners who contend that inadvertent activation is not a safety problem in those vehicles equipped with buttonless or one-hand button systems. Consumer complaints received by NHTSA illustrate that drivers may accidentally lock the steering column in attempting to stop the vehicle in an emergency situation. These complaints have been placed in the public docket and are available for public inspection. However, upon further study the agency has determined that the problem of inadvertent activation is not significant enough to require vehicles to be equipped with key-locking systems that provide better protection against inadvertent activation. As a result, NHTSA has decided to delete paragraphs S4.3 and S4.5 from the final rule as amended in the last notice.

The agency will continue to monitor complaints on inadvertent activation of the steering column lock while the vehicle is in motion and will initiate rulemaking should the data so warrant.

NHTSA encourages manufacturers to voluntarily install key-locking systems that provide improved protection against inadvertent activation on their vehicles.

All the petitioners who expressed dissatisfaction with the new requirements regarding inadvertent activation requested that the effective date be delayed for one year or more. Since the provisions on inadvertent activation were the only new requirements for passenger cars, this issue is now moot. BMW also requested that manufacturers of trucks and MPV's be given an additional year of leadtime to comply not only with the new provisions on inadvertent activation but also with the rest of the standard's requirements. BMW never stated that it could not comply with the earlier effective date. More importantly, BMW's request was premised on the assumption that the agency would not rescind the new requirements on inadvertent activation. As noted above, NHTSA has decided to delete those requirements. Accordingly, BMW's request is denied.

#### Technical Amendment

In the preamble to the final rule, NHTSA stated that it was limiting the extension of Standard No. 114 to MPV's having a GVWR of 10,000 pounds or less. MVMA pointed out in its petition that the application section, S2, of the rule does not make this limitation clear. The agency agrees and is modifying the section accordingly.

#### Cost and Benefits

NHTSA has considered the economic and other impacts of these amendments and has determined that the rule is not a major rule within the meaning of Executive Order No. 12291. The agency has further determined that the amendments are not significant within the meaning of the Department of Transportation regulatory procedures. In issuing the final rule of December 29, 1980, NHTSA prepared a final regulatory evaluation, which contains the agency's assessment of the benefits and economic consequences of that rule. Copies of the evaluation can be obtained by writing NHTSA's Docket Section at the address given at the beginning of this notice.

The agency believes that additional analysis of the costs and benefits of today's amendments is not necessary in light of the estimates made in the December 1980 regulatory evaluation. In that evaluation, NHTSA estimated that compliance with Standard No. 114 would add \$2.06 to the cost of a truck or MPV. The aggregate consumer cost would be approximately \$6.57 million

each year. These figures assumed that truck and MPV manufacturers would use a two-hand button system to comply with the new provisions on inadvertent activation.

The agency anticipated that such a system would be the cheapest way for manufacturers to comply with the standard. The new provisions regarding inadvertent activation are rescinded in today's amendments. However, the agency believes that these figures are still a reasonable estimate of the cost of extending Standard No. 114 to light trucks and vans. This is because NHTSA anticipates that some trucks and MPV manufacturers will choose to comply with the locking provisions by installing a two- or one-hand button system, even though a buttonless system would suffice and would appear to be cheaper. A manufacturer that already uses one- or two-hand button systems in its passenger cars and can easily install the same systems in its light trucks and vans might find this alternative to be the cheapest way to comply with Standard No. 114. Thus NHTSA estimates that extension of Standard No. 114 to light trucks and vans will cost the consumer \$2.06 per vehicle. The cost to the consumer will be less to the extent that truck and MPV manufacturers comply with the rule's requirements by using buttonless systems.

The agency has also analyzed these amendments for purposes of the National Environmental Policy Act and has determined that it will not have a significant effect on the human environment.

Although NHTSA has considered the effects of these amendments on small businesses, the agency has not prepared a regulatory flexibility analysis. Such an analysis is not necessary in this case, since the Regulatory Flexibility Act applies only to rules for which an NPRM is issued on or after January 1, 1981. The notice proposing the changes in Standard No. 114 that culminated in the amendments adopted today was issued on April 26, 1978 (43 FR 18577, May 1, 1978).

The program officials primarily responsible for this notice are Nelson Erickson, Office of Vehicle Safety Standards, and Joan M. Griffin, Office of the Chief Counsel.

In consideration of the foregoing, 49 CFR 571.114 is revised to read as follows:

#### § 571.114 Standard No. 114; theft protection.

S1. *Purpose and Scope.* This standard specifies requirements for theft protection to reduce the incidence of



accidents resulting from unauthorized use.

**S2. Application.** This standard applies to passenger cars, and to trucks and multipurpose passenger vehicles having a GVWR of 10,000 pounds or less. However, it does not apply to walk-in van-type vehicles.

**S3. Definitions.**

"Combination" means one of the specifically planned and constructed variations of a locking system which, when properly actuated, permits operation of the locking system.

"Key" includes any other device designed and constructed to provide a method for operating a locking system which is designed and constructed to be operated by that device.

"Vehicle type" refers to "passenger car," "truck," or "multipurpose passenger vehicle," as those terms are defined in 49 CFR 571.3.

**S4. Requirements.**

**S4.1.** Each truck and multipurpose passenger vehicle having a GVWR of 10,000 pounds or less manufactured on or after September 1, 1983 and each passenger car shall meet the requirements of S4.2, S4.3, S4.4, and S4.5. However, open-body type vehicles that are manufactured for operation without doors and that either have no doors or have doors that are designed to be easily attached to and removed from the vehicle by the vehicle owner are not required to comply with S4.5.

**S4.2.** Each vehicle shall have a key-locking system that, whenever the key is removed, will prevent—

(a) Normal activation of the vehicle's engine or other main source of motive power; and

(b) Either steering or forward self-mobility of the vehicle, or both.

**S4.3.** The prime means for deactivating the vehicle's engine or other main source of motive power shall not activate the deterrent required by S4.2(b).

**S4.4.** For each vehicle type manufactured by a manufacturer, the number of different combinations of the key-locking systems required by S4.2 shall be at least 1,000, or a number equal to the number of vehicles of that type manufactured by such manufacturer, whichever is less. The same combinations may be used for more than one vehicle type.

**S4.5.** A warning to the driver shall be activated whenever the key required by S4.2 has been left in the locking system and the driver's door is opened. The warning to the driver need not operate—

(a) After the key has been manually withdrawn to a position from which it may not be turned;

(b) When the key-locking system is in the "on" or "start" position; or

(c) After the key has been inserted in the locking system and before it has been turned.

(Secs. 103, 113, 119, Pub. L. 89-563, 80 Stat. 718 [15 U.S.C. 1392, 1401, 1407]; delegation of authority at 49 CFR 1.50)

Issued on June 17, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81-18360 Filed 6-17-81; 2:02 pm]

BILLING CODE 4910-59-M

## 49 CFR Part 571

[Docket 70-7; Notice 9]

### Federal Motor Vehicle Safety Standards; Fields of Direct View

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Response to petitions for reconsideration; revocation of standard.

**SUMMARY:** This notice responds to nine petitions for reconsideration of Standard No. 128, *Fields of Direct View*. The standard, which applies to passenger cars, sets requirements on maximum permissible obstructions in the driver's field of view, minimum size of the field of view through the windshield, and light transmittance of the vehicle's windshield. In response to the petitions, the agency has decided to revoke the standard. In issuing the rule the agency recognized that the benefits, although unquantifiable, would be minor. The agency also believed that the costs associated with the rule would be minor. Based on the information submitted by the petitioners, the agency has determined that the minor safety benefits associated with the standard are substantially outweighed by the costs imposed by the standard. Revoking the standard will reduce manufacturers' capital investments by more than \$160 million and provide substantial consumer savings.

**DATES:** The effective date of the revocation is June 22, 1981.

**FOR FURTHER INFORMATION CONTACT:** Charles Kaehn, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-1351).

**SUPPLEMENTARY INFORMATION:** On January 2, 1981, [46 FR 40] the agency issued Standard No. 128, *Fields of Direct View*. The standard, which applies to passenger cars, sets requirements on maximum permissible obstructions in the driver's field of view, minimum size of the field of view through the

windshield, and light transmittance of the vehicle's windshield. The notice set an effective date of September 1, 1984, for the standard.

In response to a petition filed by General Motors Corp., the agency on February 5, 1981 (46 FR 10969), extended the period to file petitions for reconsideration of Standard No. 128 and several other standards. Timely petitions for reconsideration of Standard No. 128 eventually were filed by American Motors Corp., Chrysler Corp., Ferrari S.p.A., Fiat Auto S.p.A., Ford Motor Co., General Motors Corp., Jaguar Cars Ltd., Mercedes-Benz of North America, Inc. and Volkswagen of America, Inc. After reviewing the data and arguments contained in the petitions, the agency has decided, as explained below, to revoke the standard.

### Obstruction Limits

Standard No. 128 establishes detailed procedures for measuring obstructions in the driver's field of view and sets limits on the maximum size of the obstructions. The standard permits only one obstruction, measured by means of a binocular test (i.e., a test that simulates the ability of a person's eyes to "look around" narrow objects), in each half of the driver's forward view. The standard limits the width of that one binocular obstruction to six degrees. The standard also has a monocular test (i.e., a test simulating the obstruction that would be presented to one eye) and limits the total amount of the monocular obstruction in the left and right forward quarters of the car (termed Zone I and Zone II, respectively) to not more than 11 degrees. In addition, the sum of the monocular obstructions in the right rear quarter of the car (Zone IV) must not exceed 25 degrees and no single obstruction in that zone can exceed 17 degrees.

The purpose of the requirements is to prevent obstructions to the driver's field of view caused by such vehicle components as overly large "A" and "C" pillars (respectively, the forwardmost and rearmost roof supports in a car) and overly low inside rearview mirrors. The monocular requirements check for obstructions posed for both tall and short drivers, while the binocular requirement only checks for obstructions posed for medium size drivers.

### Forward Obstructions

One major argument raised by the petitioners challenging the obstruction limits set for the forward half of the car is that the limits do not take into



account normal production line variations between different cars of the same model. For example, Chrysler argued that its production tolerances for "A" pillars, weatherstripping, door frames and interior and exterior trim could vary the obstruction angle by as much as one degree from car to car. Chrysler said that the problem is particularly acute on vehicles with steeply sloped windshields used to reduce aerodynamic drag and improve fuel economy. Chrysler said that although the agency had evaluated the obstructions in its 4 door Plymouth Horizon, an evaluation of the 2 door version of the same model would have shown the difficulty of meeting the standard in vehicles with more aerodynamic windshields.

Chrysler also said that the steeper, more aerodynamic, windshield angles also require the use of larger "A" pillars to provide the necessary level of roof crush protection.

Ford argued that the obstruction limits are particularly stringent for the new, small, fuel-efficient cars. Ford said that because the driver is positioned closer to the "A" pillar in a smaller car, the amount of angular obstruction created by the pillar is greater than in a larger car. Thus, an "A" pillar whose width would pass the obstruction limits in a large car could fail to meet the limits in a small car. The use of more steeply mounted windshields and "A" pillar also exacerbates the problem. Ford said that the cost of redesigning two of its models to meet the forward and rearward obstruction limits could be a total of \$40 million.

Ford also said that the increased use of framed window structure for the front doors in smaller cars, rather than frameless door glass used on older hardtop designs, also increases the difficulty of meeting the obstruction limits. The additional width of the door frame and its weatherstripping increases the amount of obstruction. Ford said that the framed window structure is needed since it helps reduce vehicle weight by allowing the use of lighter glass and window mechanisms and is used for installing automatic belt systems in the car.

GM raised similar arguments concerning the difficulty of meeting the obstruction limits because of production variances and the use of steeper, more aerodynamic windshield and "A" pillar angles. GM submitted information showing that it could cost approximately \$100 million to redesign its cars to meet the forward obstruction limits.

The purpose of the obstruction requirements was to eliminate large obstructions by limiting obstructions to

the size found in most current cars. As explained in the regulatory evaluation for the final rule, the obstruction limits set in the standard were based on surveys, conducted in 1971, 1974 and 1978, of existing vehicle designs. Based on the agency's analysis of those surveys, the agency believed that most current models, both large and small, would meet the rule without redesign.

In addition, the agency believed that it had provided sufficient lead time so that noncomplying models could be modified during the normal course of model redesign. Based on those beliefs, the agency concluded that although the benefits of the obstruction limits would be minor, since most vehicles met them, the costs of the rule would be minimal.

The comments and data filed by the petitioners indicate that the agency's conclusions about the current level of compliance and the cost of the standard were invalid. The potential costs of the forward obstruction limits of the rule are substantial. According to manufacturer estimates, they total at least \$140 million for Ford and GM alone. In addition, the effect of the obstruction limits are particularly severe on smaller, aerodynamically designed cars. As vehicle size decreases, design obstructions such as the "A" pillars are located closer to the driver's eyes, thus increasing the angle of the obstructed view. Slanting the "A" pillar back at a more aerodynamic angle also increases the apparent width of the obstruction. Designing cars so that production line variations are within the obstruction limits could significantly hamper a manufacturer's ability to design and produce more fuel-efficient, small cars.

Based on information obtained from the domestic manufacturers, it appears that the manufacturers are currently designing or intending to design their passenger cars in general compliance with the limits on forward obstructions set by the standard. In most cases, the manufacturers are using, or intend to use, a design criterion of 6 degrees as the maximum obstruction limit for the "A" pillar.

The differences from the standard are due to production line variations. To require the manufacturers to modify their current designs and future design plans to achieve complete compliance would involve substantial capital and other costs. As mentioned previously, in issuing the standard, the agency believed that it would have real, although minor, safety benefits. Although the anticipated benefits were small, so were the expected costs of the standard. The information submitted by the petitioners indicates that the agency substantially underestimated the

problem of production variations and the effects of the standard on new small car designs. Now that it appears that the costs substantially outweigh the anticipated safety benefits, the agency has decided to revoke the forward obstruction limits.

#### Rearward Obstructions

American Motors, Chrysler, Ford, GM and Volkswagen criticized the requirements limiting the amount of obstruction created by the "C" pillars. American Motors repeated its original request that the agency follow the Economic Commission for Europe draft regulation and limit the requirements to the forward 180° viewing area. Chrysler argued that, as with the forward obstruction limits, the rearward limits do not take into account its production line variations. Ford argued that sufficient research has not been conducted to relate "C" pillar size to accident causation. Ford said that the forward and rearward obstruction limits would cause it to modify two of its models at a cost of \$40 million.

GM argued, among other things, that the driver's field of view needs toward the rear of the vehicle could be adequately met by the use of convex mirrors on the right side of the vehicle. GM said that the obstruction limits would force it to retool two of its vehicle lines. Volkswagen said that the obstruction limits would necessitate costly modifications to its convertible model. VW did not quantify those costs.

In establishing the rearward obstruction limits, the agency knew that a few vehicles would have to be redesigned in order to comply. The agency provided a long lead time to comply with the standard so that manufacturers would not have to alter their production plans and would be able to make the necessary changes during the normal course of model redesign. The agency expected that the long lead time would minimize the costs associated with the rule.

It now appears that the rule will require much more redesign, and thus costs, than originally anticipated. Both Ford and GM indicate that two of their models would have to be redesigned to meet the requirement.

The agency is still concerned about the need to provide drivers with adequate visual information to the rear of their cars. To accomplish that goal, while imposing less costs on consumers and manufacturers, the agency has decided to address the problem during its consideration of proposed changes to Standard No. 111, *Rearview Mirrors* (43 FR 51657, November 6, 1978). It appears



that the use of convex mirrors on the right side of the car, proposed in the 1978 notice on Standard No. 111, can produce many of the same benefits as the proposed "C" pillar obstruction limits. Accordingly, the agency has decided to revoke the rearward obstruction limits.

#### Viewing Area A

The standard requires that a specified area of the windshield (Viewing Area A) must be free of any major obstructions. The specifications defining Viewing Area A were based on research done by Ford to determine the minimum obstruction-free area on the windshield necessary to see pedestrians, intersecting vehicles, and road signals.

Based on an apparent misreading of the standard, Ford claimed that the requirement would force it to spend \$30 million to redesign its windshield wipers so that they are outside of Viewing Area A. Such a redesign would not have been necessary, since the standard specifically provided that the wipers are not considered an obstruction.

Most manufacturers are apparently complying with the Viewing Area A requirement. This is confirmed by testing performed for the agency. The most notable exception involves the inside rearview mirrors in some foreign cars. The manufacturers of these cars have placed the rearview mirrors within Viewing Area A. This practice could block the driver's view of vehicles and pedestrians approaching from the right of the car. The agency has decided to address this problem during its consideration of proposed modifications to the rearview mirror location requirements of Standard No. 111, *Rearview Mirrors*. Such action will also centralize all mirror-related requirements in Standard No. 111.

#### Luminous Transmittance

The standard requires windshields to have a luminous transmittance of 70 percent when measured by an in-vehicle test. The purpose of the luminous transmittance requirement is to increase the amount of light transmitted through the vehicle's windshield so that the driver can see objects on the roadway ahead.

Virtually all the petitioners challenged the luminous transmittance requirements set by the standard. They argued that the reduction in seeing distances associated with current tinted windshields does not pose an unreasonable risk of accident. To support this argument, the petitioners said that accident studies do not show that cars with tinted windshields have more nighttime accidents than cars with

untinted windshields. Ford and GM said that if, as stated in the preamble to the final rule, the agency believes that those studies have methodological limitation, then the agency should conduct its own studies to determine the effect of tinted windshields on accident rates.

In addition to arguing that there is no safety need for the new luminous transmittance requirement, the petitioners also argued that the new requirement would not have any substantial safety benefit. GM, for example, said that new requirements would only bring about a slight increase in nighttime seeing distances. GM also presented additional information about tests of drivers' nighttime vision needs. According to one set of data GM provided, tests of drivers under nighttime driving conditions found that the average driver was "looking at about one-half of the threshold distance." (The threshold distance is the maximum distance at which drivers first detect objects on the roadway ahead.) Since many drivers are looking at far less than the threshold distance, GM argued that the small difference in light transmittance between current tinted windshields and tinted windshields meeting Standard No. 128 would not aid drivers in spotting dangers earlier.

Several petitioners also argued that the new requirement would limit their ability to use new, aerodynamic, fuel-efficient designs. They pointed out that as a windshield is mounted at a steeper, more aerodynamic angle, the amount of light transmitted through the windshield decreases. Ford said, for example, that a fuel economy gain may be achieved with such aerodynamic improvements as increasing the windshield mounting angle.

In addition, they argued that the standard will require them to use less tint in cars with more sloped windshields. They said that less windshield tint will increase the temperature and solar radiation within the vehicle and cause driver and passenger discomfort. Thus, people will use their air conditioners more, causing the engine to use more fuel.

The new data submitted by the petitioners raise questions about the magnitude of the safety benefits of the luminous transmittance requirement and whether those requirements affect potential benefits related to improved fuel economy. The petitioners have shown that the requirements may unnecessarily hinder their ability to make aerodynamic improvements to increase fuel economy. Additional research will be necessary to resolve questions about the safety benefits. Finally, several manufacturers stated

that they voluntarily plan to use windshield designs in many cars that come close to meeting the performance requirements of the standard. In light of these considerations, the agency has decided to withdraw the luminous transmittance requirement.

#### Costs and Benefits

NHTSA has considered the economic and other impacts of this revocation and has determined that the rule is not a major rule within the meaning of Executive Order No. 12291. The agency has further determined that the revocation is not significant within the meaning of the Department of Transportation's regulatory procedures. Although the rule apparently would have a total cost of approximately \$160 million to manufacturers, those costs would be spread over the time between issuance of the rule and its effective date, a period of approximately 3½ years.

Although NHTSA has considered the effects of this revocation on small businesses, the agency has not prepared a regulatory flexibility analysis. Such an analysis is not necessary in this case, since the Regulatory Flexibility Act applies only to a rule for which an NPRM is issued on or after January 1, 1981. The notice proposing the requirements of Standard No. 128 that are being revoked today was issued on October 31, 1978 (43 FR 51677, November 6, 1978).

The agency finds, for good cause shown, that an immediate effective date for this revocation is in the public interest since it will avoid the unnecessary expenditure of funds by manufacturers.

As previously discussed, when the agency issued the final rule on Standard No. 128, it believed that the standard would have a real, but relatively small, effect on safety. The agency also believed that the costs associated with the standard would be small. New information provided by the manufacturers in their petitions for reconsideration indicates that the agency's beliefs were incorrect.

The information provided by the manufacturers indicates that the costs imposed by the forward and rearward obstruction limits appear substantial. Ford estimated the cost of redesigning its vehicles to be \$40 million, GM estimated \$117 million and AMC estimated \$4 million. The agency's evaluation of these cost estimates indicates that they appear to be reasonable estimates of the costs involved in such redesigning. Several of the manufacturers indicated that their



current and future vehicles are designed to comply with the forward obstruction limits set in the standard. Because of production variations, however, the vehicles as produced can exceed the limits adopted in the standard. The agency believes that the small benefits of requiring all cars to meet the standard are far outweighed by substantial costs of redesigning some vehicles.

In the case of the requirements limiting rearward obstructions and the obstruction posed by the inside rearview mirror, the agency believes that most of these benefits can be achieved by addressing those problems in the proposed changes to Standard No. 111, *Rearview Mirror Systems*. In the case of the rearward obstructions, it appears that the use of a right hand side convex mirror can provide the driver with sufficient visual information about the roadway behind the car. Likewise, the problem of low inside rearview mirrors can be corrected in the Standard No. 111 rulemaking by requiring new mounting locations for those mirrors.

The new data submitted by the manufacturers, particularly by GM, raise questions about the cost and effectiveness of the luminous transmittance requirements. The data also indicate that the requirements may also substantially hamper manufacturers in utilizing new aerodynamic, fuel-efficient designs. In light of those considerations, the agency has decided to withdraw the luminous transmittance requirements.

#### § 571.128 [Removed]

In consideration of the foregoing, Chapter V of Title 49 of the Code of Federal Regulations is amended by removing § 571.128, *Fields of Direct View*.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on June 17, 1981.

Raymond A. Peck, Jr.,  
Administrator.

[FR Doc. 81-18359 Filed 6-17-81; 2:02 pm]

BILLING CODE 4910-59-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Parts 1039, 1090 and 1300

[Ex Parte No. 230 (Sub-No. 5)]

**Carriers Involved in the Intermodal Movement of Containerized Freight; Freight Tariffs: Railroads, Water Carriers, and Pipeline Companies**

**AGENCY:** Interstate Commerce Commission.

#### **ACTION:** Clarification of Notice of Final Rule [Exemption].

**SUMMARY:** In the prior decision decided February 19, 1981 (published at 46 FR 14348, February 27, 1981), the Commission exercised its authority under 49 U.S.C. 10505 and generally exempted rail and truck service provided by rail carriers in connection with trailer on flatcar (TOFC) and container on flatcar (COFC) service from Title 49, Subchapter IV of the U.S. Code. The Commission wishes to make it clear that in accordance with 49 U.S.C. 10505(e), this exemption does not and could not relieve rail carriers from the provisions of 49 U.S.C. 11707, concerning their liability for loss and damage.

**DATES:** This notice will be effective June 22, 1981.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Felder or Jane F. Mackall, (202) 275-7656.

**SUPPLEMENTARY INFORMATION:** The Shippers National Freight Claim Council, Inc., filed on March 23, 1980, a petition for clarification of our February 19, 1981, decision, which generally exempted TOFC and COFC service from Title 49, Subchapter IV of the U.S. Code. The Council also filed on April 7, 1981, a petition for declaratory order essentially raising the same issues. Both petitions, in effect, would have us clarify our February 19, 1981, decision to indicate that it does not relieve the railroads from the provisions of 49 U.S.C. 11707, concerning their liability for loss and damage.

We exempted the TOFC/COFC traffic pursuant to 49 U.S.C. 10505. Subsection (e) of 49 U.S.C. 10505 specifically states that "[n]o exemption order . . . shall operate to relieve any rail carrier from an obligation to provide contractual terms for liability and claims which are consistent with (49 U.S.C. 11707)." 49 U.S.C. 11707 imposes, on the carrier, liability for actual loss or injury to property shipped unless released rates under 49 U.S.C. 10730 are involved. Released rates under 49 U.S.C. 10730 are at the election of the shipper as an alternative to otherwise applicable full liability rates. From this it follows that our prior exemption could not enable carriers to disclaim their general loss and damage obligations. Hence, a railroad solely offering released rates not agreed to by the shipper which essentially nullify the liability requirements of 49 U.S.C. 11707 would be acting outside of the scope of the exemption. We thus must emphasize that our exemption does not relieve the railroads from the provisions of 49 U.S.C. 11707, concerning their liability

for loss and damage. Indeed, we note that in our notice of proposed rulemaking, printed at 364 ICC 391 (45 FR 79123, November 28, 1981) we specifically pointed out that 49 U.S.C. 10505(e) provides the standards for liability which the railroads must continue to apply to exempt services, and that it requires full value rates unless the shipper consents to limited liability rates. *Id.* at 396. (We did not reiterate this point in our February 19, 1981, decision, since 49 U.S.C. 10505(e) is clear on its face.)

Petitioner also alleges several problems with certain carrier circulars concerning liability for loss and damage. These allegations, however, are not sufficient to warrant any specific response on our part at this time. To the extent railroad tariffs or contractual items on TOFC/COFC service are in violation of 49 U.S.C. 11707, they are unenforceable as a matter of law. However, to the extent tariff or contractual terms are otherwise construed as offering limiting liability open to negotiation, they may be pursued. In this regard, we note that 49 U.S.C. 10505(e) permits carriers to offer alternative terms, such as limited liability provisions. Moreover, 49 U.S.C. 11707 permits a carrier to limit its liability under 49 U.S.C. 10730, which allows carrier and shipper negotiation of limited liability provisions. Thus, reduced liability on the part of the carrier may be entirely acceptable to shippers in the context of reduced rates. Petitioner neither identified any individual shipper who is objecting nor complained in the context of specific rates. To this extent, petitioner has presented, in effect, only examples of carrier offers limiting liability, which the carriers may pursue as discussed above.

If concrete problems arise with respect to carrier loss and damage practices, we would, of course, accept petitions to amend in an appropriate manner the exemption given TOFC/COFC traffic. Because 49 U.S.C. 10505(d) explicitly also grants us the authority to revoke an exemption in whole or in part, we can and will protect the legitimate interests of shippers, carriers, and the public in general. We plan to monitor closely the carriers' use of the exemption.

In view of this clarification, the petition for declaratory order is denied as moot. Moreover, since 49 U.S.C. 10505(e) is clear concerning the applicability of 49 U.S.C. 11707 as it relates to carrier liability for loss and damage, modification of the prior decision is unnecessary.



This action does not significantly affect the quality of the human environment, conservation of energy resources, or small business.

Authority: 49 U.S.C. 10101, 10321, and 10505.

Dated: June 10, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

James H. Bayno,  
Acting Secretary.

[FR Doc. 81-15417 Filed 6-19-81; 8:45 am]

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# Proposed Rules

Federal Register

Vol. 46, No. 119

Monday, June 22, 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.

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 105

#### Standards of Conduct

AGENCY: Small Business Administration.

ACTION: Proposed rule.

**SUMMARY:** The proposed amendments to Part 105 of SBA's Standards of Conduct Regulations constitute an extensive revision of these rules. There are five general purposes for these proposed amendments:

First, they reflect the experience of SBA in the general field of employee ethical conduct since the last major revision of these regulations in 1976 (41 FR 29656, July 19, 1976; correction, 41 FR 33547, August 10, 1976). Second, changes in language are made in order to clarify meaning. Many of the interpretative problems that arose since 1976 essentially reflected unanticipated ambiguities in language. Third, changes in position titles are made in accordance with various SBA organizational changes. Fourth, significant new amendments are included in order to reflect major statutory provisions in the Ethics in Government Act of 1978 (Pub. L. 95-521, October 26, 1978; amended by Pub. L. 96-19 and Pub. L. 96-28). Fifth, interpretations of Agency regulations by the Agency Standards of Conduct Committee (13 CFR 105.801 in both the current regulations and the proposed regulations) have been incorporated into the body of the proposed regulations. This will provide additional guidance to Agency employees and management officials in the standards of conduct area. This should also diminish the number of requests to the Standards of Conduct Committee from agency employees, former employees, management officials and other interested parties requesting guidance in applying the regulations to specific situations.

**DATE:** Comments should be received no later than July 22, 1981.

**ADDRESSES:** Interested parties may submit comments on these proposed regulations to the Office of General Law, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

**FOR FURTHER INFORMATION CONTACT:** Donald W. Farrell, Associate General Counsel (202) 653-8660 or Robert Peterson (202) 653-6477.

**SUPPLEMENTARY INFORMATION:** Executive Order 12291, effective February 17, 1981, would not apply to these proposed rules, if finalized. (See Section 1(a)(3) of the Executive Order.) In addition, it is hereby certified that, for the purposes of the applicability of the requirements of sections 603 and 604 of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, U.S.C. 603 and 604), these proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. These rules primarily affect the standards of conduct for SBA employees and former SBA employees.

Particular areas covered in the proposed amendments include:

1. Section 105.101, the general purpose clause of the Standards of Conduct Regulations, is amended by adding clarifying language.

2. Section 105.201, "Definitions," is amended in subsection (i) by adding new language making it clear that eligibility determinations under SBA's Section 8(a) Program constitute "SBA Assistance" for the purpose of the Standards of Conduct Regulations; and by adding a new subsection (1) defining "Senior Employee" for the purposes of other amendments in Part 105 derived from the Ethics in Government Act of 1978.

3. Section 105.401, dealing with former SBA employees appearing in a representational capacity in connection with an SBA matter, is amended by adding general clarifying language and by increasing the proscribed time period under the regulation from one year to two years in order to bring the regulation into conformity with the comparable statutory provision amended by the Ethics in Government Act of 1978.

4. Section 105.402, also generally dealing with former employees acting in a representational capacity in connection with an SBA matter, is amended by adding clarifying language.

5. Section 105.403, dealing with employment of former SBA personnel by recipients of SBA assistance, is amended by deleting a provision in the current regulation that extends the proscription of the regulation to persons providing significant legal, accounting and similar services to the SBA aid recipient. As amended, the regulatory proscription would apply only to the SBA aid recipient itself. SBA's experience has been that this extended limitation in the current regulation is unnecessary and difficult to apply equitably and uniformly to all situations.

6. Section 105.404, dealing with SBA assistance to a concern employing a former SBA employee, is amended to correct minor typographical errors in the current regulation.

7. The current § 105.405 is redesignated as § 105.408 and a new § 105.405, dealing with personal appearances in an SBA matter by a former SBA "Senior Employee," is substituted therefor. This new regulatory provision, though somewhat broader in scope, basically tracks the provisions of 18 U.S.C. 207(b)(ii), enacted as part of the Ethics in Government Act of 1978.

8. Section 105.406, dealing with the involvement by a former SBA "Senior Employee" in SBA decisional matters, is a new regulation which generally tracks the companion statutory provision in 18 U.S.C. Section 207(c) which was enacted as part of the Ethics in Government Act of 1978.

9. Section 105.407, dealing with debarment of persons in appearances before SBA for violations of the post employment restrictions of 18 U.S.C. Section 207, as amended, is a new regulation in accord with the directive of 18 U.S.C. Section 207(j), adopted as part of the Ethics in Government Act of 1978. This provision sets forth detailed procedures for these debarment proceedings.

10. Section 105.408, dealing with statutory cross references, is the repositioning, without substantive change, of § 105.405 in the current regulation.

11. Section 105.505, dealing with situations creating an "appearance" of a conflict of interest, is significantly expanded by adding new language to clarify the application of this "appearance" rule and to emphasize its



importance as part of the employee's official Standards of Conduct.

12. Section 105.510, dealing with outside employment and activities, is amended by adding clarifying language and by redesignating the respective responsibilities of SBA's field offices and Central office in considering applications for outside employment/activity approval.

13. Sections 105.511 and 105.512 deal with financial disclosure statements required from SBA employees. Section 105.511, dealing with financial disclosure statements, required under E.O. 11222 basically adds clarifying language and language distinguishing between required filings under E.O. 11222 and filings under the Ethics in Government Act of 1978. Section 105.512 is a new provision dealing with financial disclosure statements required under the Ethics in Government Act of 1978 from designated SBA employees and the procedures for effecting these required filings.

14. Current §§ 105.512, 105.513, 105.514, 105.515, 105.516, 105.517, 105.518, 105.519, are respectively redesignated as §§ 105.513, 105.514, 105.515, 105.516, 105.517, 105.518, 105.519, and 105.520.

15. Section 105.513 (currently § 105.512), dealing with political activity of employees, adds the position of Chief Counsel for Advocacy to those SBA positions excepted from the restrictions of subsection (c) against active participation in political management or political campaigning.

16. Section 105.516 (currently § 105.515), dealing with the duty of SBA employees to report official irregularities, changes the SBA official to whom such reports must be made from the "Director, Investigations and Security Division" to the "SBA Inspector General."

17. Section 105.518 (currently § 105.517) dealing with gambling, changes the SBA official from whom an exception to the proscription may be obtained, from the "Director of Personnel" to the "Associate Administrator for Personnel Management."

18. Section 105.520 (currently § 105.519), dealing with employee recommendations of private persons, is amended to clarify that the regulation would not prohibit assisting small concerns by providing, without official recommendation, lists of available private financial institutions or others participating with SBA in its various programs.

19. Section 105.601, dealing with assistance to employees of Government organizations, is amended by adding the new subsection (b) that would emphasize the general rule of

Government procurement that, except in special circumstances, SBA will not enter into a contract with a Government employee or a concern significantly connected with a Government employee. The former subsection (b) is redesignated as subsection (c) to accommodate this new provision.

20. Section 105.801, dealing with the composition and functions of the Standards of Conduct Committee is amended to clarify that the Committee will provide guidance in connection with a request from any agency management official and to change position titles in order to reflect Agency reorganizations.

21. Section 105.802, dealing with the designation of Standards of Conduct Counselors and their functions, is amended by changing position titles therein to reflect SBA reorganizations and to clarify the responsibilities of Standards of Conduct Counselors in administering the program.

22. Section 105.803, dealing with SBA Designated Ethics Officials and their functions, is a new provision implementing that section of the Ethics in Government Act of 1978, requiring the designation of agency officials to administer that Act.

23. Section 105.901, which cites relevant statutory and regulatory provisions in the Standards of Conduct area, is revised and updated to reflect changes in the law.

Dated: April 6, 1981.

Michael Cardenas,  
Administrator.

Therefore, pursuant to the authority of Section 5(b)(6) of the Small Business Act (15 U.S.C. 634), the Small Business Administration proposes to amend Part 105 of its Regulations (13 CFR Part 105), as follows:

The table of contents at the beginning of Part 105 is revised to read as follows:

#### PART 105—STANDARDS OF CONDUCT

Sec.	
105.101	Purpose and scope.
105.201	Definitions.
105.301	General requirements.

#### Restrictions Relating to Former SBA Employees

105.401	Acting as representative in matter previously under the official responsibility of former employee.
105.402	Acting as representative in matter in which former employee personally participated.
105.403	Employment of former employee by person previously the recipient of SBA assistance.
105.404	SBA assistance to person employing former SBA employee.

105.405	Personal appearance by former Senior Employee in matter in which he personally participated.
105.406	Involvement by former Senior Employee in SBA decisional matter.
105.407	Proceedings for debarment from appearances before SBA for violations of post employment restrictions contained in 18 USC 207 (a), (b) and (c).
105.408	Cross references.

#### Restrictions Relating to Present SBA Employees

105.501	Involvement in matters in which Government has substantial interest.
105.502	Compensation relating to official duties from nongovernment source.
105.503	Gratuities from persons dealing with SBA.
105.504	Other gifts and gratuities.
105.505	Situations creating a conflict of interest or the appearance thereof.
105.506	Personal interests in firms or matters having SBA involvement.
105.507	Use of Government property and supplies.
105.508	Conversion of public and other property.
105.509	Distortion of records; false statements.
105.510	Outside employment and activities.
105.511	Financial disclosure statements under Executive Order 11222.
105.512	Financial disclosure statements under the Ethics in Government Act of 1978.
105.513	Political activity of employees.
105.514	Striking against Government.
105.515	Disclosure of official information.
105.516	Duty to report irregularities.
105.517	Applicable rules and directions.
105.518	Gambling.
105.519	Payment of financial obligations.
105.520	Recommendations of private person.

#### Restrictions Relating to Officers or Employees of Other Government or Quasi-Government Organizations

105.601	Assistance to officers or employees of other Government organizations.
105.602	Assistance to employees or members of quasi-Government organization.

#### Administrative Provision

105.701	Penalties.
105.801	Standards of Conduct Committee.
105.802	Standards of Conduct Counselors.
105.803	Designated Agency Ethics Officials.
105.901	Statutory and other regulatory provisions.

Authority: Sec. 5, 72 Stat. 385 (15 USC 634); E.O. 11222, 3 CFR 1964-65; Comp. 5 CFR 735.104, unless otherwise noted.

1. Section 105.101, dealing with the purpose and scope of the regulation, is revised to read as follows:

#### § 105.101 Purpose and scope.

(a) This part prescribes standards of conduct for current SBA employees and former SBA employees, relating to possible conflicts between their official



duties of the public interest and their private interests.

(b) Except as otherwise noted, this part deals with SBA administrative standards and does not purport to be interpretative of requirements imposed by analogous criminal statutes or regulations or directions of other proper authorities. For example, interpretations with respect to criminal statutes normally should be obtained from the Department of Justice.

#### § 105.201 [Amended]

2. Section 105.201, *Definitions*, is amended as follows:

a. Paragraph (i) is revised to read as follows:

(a) \* \* \*

(1) \* \* \*

(i) "SBA Assistance" means financial, contractual, grant, managerial or other aid, including size, Section 8(a) or other eligibility determinations granted by SBA under applicable law. For the purposes of this part, this term shall also include an express decision to compromise or defer possible litigation or other adverse action.

b. A new paragraph (l) is added to read as follows:

(1) "Senior Employee" means an SBA employee paid at the Executive Level pursuant to subchapter 11 of Chapter 53 of Title 5, U.S.C. and any other employee, GS-17 or above or a member of the Senior Executive Service, who has significant decisionmaking or policy responsibilities and is so designated by the Director, Office of Government Ethics pursuant to 18 U.S.C. 207(d).

3. Section 105.401, dealing with representational activities of former employees before SBA, is revised to read as follows:

#### § 105.401 Acting as representative in matter previously under the official responsibility of former employee.

No former employee may, within two years after his employment with SBA has ceased, appear before SBA or in any proceeding conducted by or on behalf of SBA, or in which SBA has an interest, as agent, attorney or representative, or make any oral or written communications to SBA with intent to influence, in connection with any claim, determination of other specific matter which was under his official responsibility within one year prior to the termination of his employment.

4. Section 105.402, also dealing with representational activities of former employees before SBA is revised to read as follows:

#### § 105.402 Acting as representative in matter in which former employee personally participated.

No former employee may ever, after his employment with SBA has ceased, appear as agent, attorney or representative before SBA or in any proceeding conducted by or on behalf of SBA, or in which SBA has an interest, or make any oral or written communication to SBA with intent to influence, in connection with any claim, determination or other specific matter in which he participated personally and substantially while an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise.

#### § 105.403 [Amended]

5. Section 105.403, dealing with employment of former SBA personnel by recipients of SBA assistance, is amended by deleting from the introductory paragraph the words "or with a person who provides significant legal, accounting or other services to the concern," and also deleting the comma prior to this clause.

#### § 105.404 [Amended]

6. Section 105.404, dealing with SBA assistance to concerns employing a former SBA employee, is amended by substituting the word "or" for the word "of" following the word "creditor" in paragraph (a) of this section.

#### § 105.405 Redesignated as § 105.408.

7. Section 105.405, dealing with cross references to statutory provisions, is renumbered as § 105.408.

8. A new § 105.405, dealing with appearances before the Agency by a former SBA Senior Employee, is added to read as follows:

#### § 105.405 Personal appearance by former Senior Employee in matter in which he personally participated.

No former SBA Senior Employee may, within two years after his employment has ceased, assist by personal presence, another person in representations in any formal or informal appearance before SBA or in any formal or informal proceeding conducted by or on behalf of SBA, or in which SBA has an interest, in connection with any claim, determination or other specific matter in which he participated personally and substantially while an SBA Senior Employee through decision, approval, disapproval, recommendation, the rendering of advice or otherwise.

9. A new § 105.406, dealing with involvement in SBA decisional matters by a former SBA Senior Employee, reads as follows:

#### § 105.406 Involvement by former Senior Employee in SBA decisional matters.

No former SBA Senior Employee may, within one year after his employment has ceased, make any formal or informal appearance before SBA or in any proceeding conducted by or on behalf of SBA as agent, attorney or representative or make any oral or written communication to SBA with intent to influence, in connection with any matter, whether or not dealing with a particular person or particular persons, which involves a decision, ruling, approval, disapproval, investigation, rulemaking or similar determination by SBA.

10. A new § 105.407, setting forth the detailed procedures for debarment proceedings for violations of 18 U.S.C. 207, is added to read as follows:

#### § 105.407 Proceedings for debarment from appearances before SBA for violations of post employment restrictions contained in 18 U.S.C. § 207 (a), (b), and (c).

(a) SBA may, in accordance with section 207(j) of 18 U.S.C. (included in the Ethics in Government Act of 1978, Public Law 95-521, as amended), as an administrative penalty for violation of 18 U.S.C. 207 (a), (b), or (c), prohibit a former SBA employee from making, on behalf of any other person, any informal or formal appearance before or, with intent to influence, any oral or written communication to SBA on a pending matter for a period not to exceed five years, or take other appropriate disciplinary action.

(b) The Standards of Conduct Committee (established pursuant to § 105.801), after reviewing all available information, may determine that there is reasonable cause to believe that a former employee (referred to in this section as Respondent) has violated 18 U.S.C. 207 (a), (b), or (c). This determination shall be set forth in a Report (Report) containing the relevant facts and inferences therefrom, and a recommendation for sanctions and/or disciplinary action, within the limitations of paragraph (a) of this section.

(c)(1) A copy of this Report and any appropriate comments will be provided to the Director of the Office of Government Ethics and, in coordination with the SBA Inspector General, to the Criminal Division of the Department of Justice. SBA administrative proceedings will be coordinated with the Department of Justice unless the Department advises SBA that it does not intend to initiate criminal prosecution.

(2) Copies of this Report and all other notices, pleadings, motions and other



official documents relative to a proceeding under this section shall be provided by the Standards of Conduct Committee, by the SBA General Counsel, by the Respondent and by any other parties to the SBA Office of Hearings and Appeals. This office will serve as the Docket Office for these proceedings and the documents filed with it will constitute the official files for the proceedings.

(d)(1) *Service upon Respondent.* Notice of Intent to Impose Administrative Sanctions (Notice) on Respondent for violation of post-employment restrictions, signed by the Chairman of the Standards of Conduct Committee, and subsequent papers for such proceeding shall be served upon the Respondent in the following manner:

- (i) By delivering it to the Respondent personally; or
- (ii) By registered mail; or
- (iii) If a Respondent has signed and filed with the Director of the SBA Office of Hearings and Appeals written consent to be served in some other practicable manner, by that other manner.

Where service is by registered mail, evidence of such mailing by SBA shall affirm proper service.

(2) *Service upon SBA.* Papers shall be served upon SBA as follows:

- (i) By delivering them to the General Counsel of SBA; or
- (ii) By registered mail addressed to the General Counsel of the Small Business Administration, Washington, D.C. 20416.

See paragraph (c)(2) of this section regarding the delivery of copies of all documents in a proceeding to the SBA Office of Hearings and Appeals.

(e) The Notice of Intent to Impose Administrative Sanctions shall contain:

(1) A copy of the Report of the Standards of Conduct Committee, referenced in paragraph (b) of this section. The basis for the proposed administrative action shall be the facts and charges set forth in this Report.

(2) A copy of this § 105.407.

(f)(1) In the event a Respondent, who has been served a Notice, fails to file an Answer within the time limits set forth in this section, SBA may base its decision solely on information contained in the Standards of Conduct Committee Report.

(2) A recommended decision, based solely on the Notice and Report, shall be made by an attorney-examiner authorized by the Director of SBA's Office of Hearings and Appeals. No person, who has significantly participated in other aspects of a proceeding or who is directly under the

organizational jurisdiction of the General Counsel, may serve as an examiner in that proceeding.

(g) Within thirty (30) days of service of the Notice, the Respondent may file a written Answer to the allegations contained in said Notice. Answers should be filed in accordance with paragraph (d)(2) of this section and copies provided in accordance with paragraph (c)(2) of this section. This Answer shall include Respondent's determination whether the allegations set forth in the Notice should be decided solely on the basis of the Notice and the Answer, or only after a Hearing, as described in paragraph (h) of this section. Upon the failure of such a determination by Respondent in the Answer, the matter will be decided solely on the basis of the Notice and Answer. A recommended decision made solely on the Notice and Answer shall be made by an attorney-examiner authorized as set forth in paragraph (f)(2) of this section.

(h) A Hearing, if requested, shall be informal and held before an attorney-examiner duly authorized as set forth in paragraph (f)(2) of this section. The Attorney-examiner shall determine the time, place, and manner for the Hearing and the form in which evidence shall be received; he may establish the format for prehearing conferences and the narrowing of issues, and rules of evidence, including rules and determinations concerning relevancy and repetition, as required for the orderly disposition of the case. A transcript of the Hearing will be made. Respondent shall have the right of self-representation, the right to counsel, the right to introduce and examine witnesses, the right to confront and cross-examine adverse witnesses, the right to submit physical evidence, and the right to present oral argument. Except as noted herein, Respondent shall have sole responsibility for obtaining witnesses and evidence for his case and for the cost thereof. Respondent may request the examiner to provide SBA employees as witnesses. The examiner may direct the presence of SBA employees as witnesses, whose appearance shall thereupon constitute the performance of an official function. A recommended decision will be made, based upon the full record, including the Hearing, by the attorney-examiner.

(i) The attorney-examiner shall base his determinations exclusively on matters of record in the proceedings, either limited to the Notice, or to the Notice and Answer, or to the Notice, Answer and record of the Hearing, including ancillary evidentiary material

produced as part of the Hearing (depending upon the type of proceeding used); and he shall make a written recommended decision setting forth all findings of fact and conclusions of law, relevant to the matters at issue. In the event the attorney-examiner determines that Respondent has violated any of the post-employment provisions of 18 U.S.C. 207(a)(b), or (c), this decision shall also include a recommended penalty, within the limits set forth in paragraph (a) of this section. A copy of the attorney-examiner's recommended decision shall be served on Respondent and SBA as provided in paragraph (d) of this section. In the absence of a timely appeal by either the Respondent or by the SBA General Counsel, on behalf of the Agency, the attorney-examiner's recommended decision will be adopted by the Administrator as the Agency's final decision, including recommendations regarding administrative sanctions or disciplinary actions against Respondent.

(j)(1) Within twenty (20) business days from the date of service of the attorney-examiner's recommended decision, either party may appeal the recommended decision to the Administrator by serving a written appeal on the Administrator, personally or by registered mail. A written copy of the appeal must also be served on the other party in accordance with paragraph (d) of this section. The other party will be allowed ten (10) business days after being served with notice of an appeal to submit any desired response. In evaluating an appeal under this subsection, the Administrator may utilize the advice and assistance of the SBA Office of Hearings and Appeals, provided, that neither the attorney-examiner who made the recommended decision in this case nor any other person who significantly participated in the recommended decision may provide such advice or assistance. Neither designation of an attorney-examiner to a case nor general supervision of the office will preclude the Director of the Office of Hearings & Appeals from providing advice and assistance to the Administrator under this paragraph.

(2) The appeal shall state in detail how the recommended decision of the attorney-examiner is erroneous and/or should be changed or modified.

(3) The Administrator shall base his decision on the complete record of the proceedings, including the appeal and response thereto. The Administrator's decision may adopt, modify or change the recommended decision of the attorney-examiner, including recommended sanctions or disciplinary



actions against Respondent. In such a decision upon appeal, the Administrator is not precluded from changing or modifying any finding of fact or conclusion of law nor from increasing any sanction or disciplinary action against Respondent.

(4) The decision of the Administrator shall be the final administrative determination of the Small Business Administration.

#### § 105.505 [Amended]

11. Section 105.505, dealing with conflicts situations and the appearances thereof, is amended by adding a new paragraph (b) which reads as follows:

(b) Employees should be aware that the appearances of a conflict of interest, even absent the existence of any actual conflict, are matters of significant concern in the administration of employee standards of conduct. "Appearances" problems could arise, for example, where an employee is involved in the consideration of SBA assistance to a personal friend, a former supervisor or a similarly situated person, or where an employee is considering a business or commercial transaction with a known applicant for or recipient of SBA assistance, or where an employee is involved, in a personal capacity, in business negotiations with a known applicant for or recipient of SBA assistance. Special care should be taken by each employee to guard against the occurrence of any "appearance" violation of these regulations. Violations may be the basis for SBA disciplinary action. Where there is any question relating to the application of these rules to a particular situation, the employee is required to disqualify himself from any official action which might create such an "appearance" of a conflict of interest until he has received written approval from the appropriate SBA Standards of Conduct Counselor or from the SBA Standards of Conduct Committee.

#### § 105.510 [Amended]

12. Section 105.510, dealing with outside employment and activities, is amended as follows:

a. Paragraph (a) of this section is revised to read as follows:

(a) Except with the written approval of the appropriate agency official as noted in paragraph (b) of this section, no employee shall engage in any outside business, employment, occupation or activity. This limitation applies regardless of whether a fee, gift, salary or other compensation is received for the activity.

b. Existing paragraph (b) is redesignated as (c) and the introductory

paragraph thereof will be revised to read as follows:

(c) In reviewing applications for approval under this section, all relevant factors will be considered, including:

c. A new paragraph (b) is added to read as follows:

(b) Requests for approval under this section shall be submitted as follows:

(1) For employees of SBA offices, other than the Central Office, all submittals shall initially be made to the Regional Standards of Conduct counselors, noted in § 105.802.

(i) Requests by employees below the level of GS-13 and relating to outside activities of a noncontroversial, low visibility nature having no apparent connection with SBA activities, having no significant "appearances" problems, and involving no apparent interference with the performance of official duties or official time shall be resolved by the Regional Standards of Conduct Counselor. Copies of these written decisions will be forwarded to the Agency Standards of Conduct Counselor noted in § 105.802.

(ii) All other SBA field office requests shall be reviewed by the Regional Standards of Conduct Counselor and forwarded with his written recommendations to the Agency Standards of Conduct Counselor for preparation and submittal for decision to the SBA Standards of Conduct Committee pursuant to § 105.801.

(2) For employees of SBA's Central Office, all submittals shall initially be made to the Agency Standards of Conduct Counselor.

(i) Requests by employees below the level of GS-15 and relating to outside activities of a noncontroversial, low visibility nature, having no apparent connection with SBA activities, having no significant "appearances" problems, and involving no apparent interference with the performance of official duties or official time shall be resolved by the Agency Standards of Conduct Counselor.

(ii) All other SBA Central Office requests shall be prepared by the Agency Standards of Conduct Counselor for submittal to and decision by the Standards of Conduct Committee pursuant to § 105.801.

(3) It is contemplated that the Committee will decide all requests for outside activity approval that involve a significant appearances issue (see § 105.505), situations of a controversial nature, situations having a high public visibility, activities that would involve a significant interaction with SBA or other

governmental units, activities involving interference with the official functions of the employee and situations involving high-ranking Agency officials who have wide discretionary authority with respect to the granting and administration of SBA assistance.

d. Existing paragraph (d)(1) of the current regulation will be removed in its entirety and paragraph (d)(2) will be redesignated (d) and the introductory clause revised to read as follows:

\*\*\*This section does not preclude an employee from:

#### § 105.511 [Amended]

13. Section 105.511, dealing with financial disclosure statements required from employees, is amended as follows:

a. The title of this section is revised to read as follows:

Financial disclosure statements under Executive Order 11222.

b. The introductory phrase of paragraph (a) is revised to read as follows:

(a) Financial disclosure statements under Executive Order 11222 (May 8, 1965) are required from the following SBA employees:

c. Paragraph (a)(1) of the current regulations is removed.

d. Paragraph (a)(2) of the current regulations is removed.

e. Paragraph (a)(3) of the current regulations is redesignated (a)(1) and is revised to read as follows:

(a) \*\*\*  
(1) All Regional Administrators, District Directors, and Branch Managers, except those who file a Financial Disclosure Report under § 105.512.

f. Paragraph (a)(4) of the current regulations is redesignated (a)(2) and is amended by adding at the end thereof the following new paragraph:

(a) \*\*\*  
(2) \*\*\* All employees in the Senior Executive Service and those paid at GS-16 or above level are required to file a Financial Disclosure Report under § 105.512 pursuant to the Ethics in Government Act of 1978. These employees and any others who file under that Act are not required to file under this paragraph (a)(2).

g. Paragraph (d)(1) is amended by substituting reference to "paragraph (a)(2)" for "paragraph (a)(4)" wherever it appears; substituting the title "Regional Administrator" for "Regional Director" wherever it appears; and inserting after the title "Assistant Administrator," a



comma and the title "the Inspector General."

h. Paragraph (d)(2) is revised to read as follows:

(d) \* \* \*

(2) Any employee who contends that he is improperly required to file a Financial Disclosure Statement under this section may request a review of his complaint under an SBA grievance procedure. Advice concerning SBA grievance procedures may be obtained from the SBA Office of Personnel.

i. Paragraph (g) is amended by substituting therein the title "Office of Government Ethics" for the title "Civil Service Commission."

#### § 105.512 Redesignated as § 105.513.

14. Existing § 105.512, dealing with political activity of employees, is redesignated § 105.513 and is amended by adding in paragraph (c), after the word "Administrator," the words "or the Chief Counsel for Advocacy."

15. A new § 105.512, dealing with Financial Disclosure Statements of employees required under the Ethics in Government Act of 1978, is added to read as follows:

#### § 105.512 Financial disclosure statements under the Ethics in Government Act of 1978

(a) Financial Disclosure Statements under the Ethics in Government Act of 1958 (P.L. 85-521 as amended) are required from the following SBA employees. Those who file under this provision are not required to file under § 105.511:

(1) The Administrator, the Inspector General, and the Chief Counsel for Advocacy.

(2) All SBA employees in the Executive Schedule.

(3) All SBA employees paid at the GS-16 or above in the General Schedule or at an equivalent rate for other pay schedules. This will include all members of the Senior Executive Service.

(4) Administrative Law Judges, regardless of grade.

(5) Employees in the excepted service in positions which are of a confidential or policymaking character, regardless of grade (except that the Director of the Office of Government Ethics may exclude individuals or groups of individuals where the Director determines such exclusion would not adversely affect the integrity of the Government nor the confidence of the public in that integrity).

(6) The Designated Agency Ethics Officials described in Section 105.803.

(b) These statements shall be filed on the form prescribed by the Office of

Government Ethics. Forms are available from SBA's Designated Agency Ethics Officials.

(c) These statements shall be filed with SBA's Designated Agency Ethics Officials within time frames specified by him.

(d) The general policies, special provisions, requirements for reporting by trusts, procedures and other matters relating to these statements and their filing by SBA employees are set forth in 5 CFR Part 734. These are regulations promulgated by and, from time to time, amended by the Office of Government Ethics. Employees should be cognizant of these regulations in assessing their obligations regarding these Financial Disclosure statements.

#### § 105.513 Redesignated as § 105.514.

16. Existing § 105.513, dealing with strikes against the Government, is redesignated § 105.514.

#### § 105.514 Redesignated as § 105.515.

17. Existing § 105.514, dealing with disclosure of official information, is redesignated § 105.515.

#### § 105.515 Redesignated as § 105.516 and amended.

18. Existing § 105.515, dealing with the duty of employees to report official irregularities, is redesignated § 105.516 and the reference therein to "Director, Security and Investigations Division" is deleted and substituted therefor is the title "SBA Inspector General."

#### § 105.516 Redesignated as § 105.517.

19. Existing § 105.516, dealing with other rules and directives applicable to SBA employees, is redesignated § 105.517.

#### § 105.517 Redesignated as § 105.518 and amended.

20. Existing § 105.517, "Gambling," is redesignated § 105.518 and reference therein to "Director of Personnel" is deleted and the title "Associate Administrator for Personnel Management" is substituted therefor.

#### § 105.518 Redesignated as § 105.519.

21. Existing § 105.518, dealing with payment of financial obligations, is redesignated § 105.519.

#### § 105.519 Redesignated as § 105.520 and amended.

22. Existing § 105.519, is redesignated § 105.520 and is amended by deleting at the end thereof the words "or any other Government department" and adding the following:

This regulation does not preclude an employee from providing a list of nongovernmental entities which

participate or evince an interest in participating in SBA assistance programs where the purpose is solely to assist current or potential applicants or recipients of SBA assistance and where it is made clear that no recommendations or certification as to quality of service, ability or other attributes is involved.

#### § 105.601 [Amended]

23. Section 105.601 is amended as follows:

a. Paragraph (a) is amended by inserting at the beginning the words "Except as noted in paragraph (b) of this section."

b. Existing paragraph "(b)" is redesignated "(c)" and a new (b) is added to read as follows:

(b) Except in special circumstances approved by the Standards of Conduct Committee, SBA will not enter into a contract with a person when its sole proprietor, partner, officer, director or stockholder with a 10 or more percent interest, or a member of his household, is an employee of a Government agency. In this connection, also see 41 C.F.R. Section 1-1.302.3

#### § 105.801 [Amended]

24. Section 105.801, "Standards of Conduct Committee," is amended as follows:

a. Paragraph (a)(2) is amended by deleting the words "the Director of Personnel and from others" and inserting therefor the words "Agency management officials."

b. Paragraph (b)(2) is amended by substituting the title "Assistant Administrator for Support Services" for the title "Associate Deputy Administrator for Support Services," and the title "Associate Administrator for Personnel Management" for the title "Assistant Administrator for Personnel Management."

c. Paragraph (b)(3) is amended by substituting the title "Assistant Administrator for Programs" for the title "Associate Deputy Administrator for Programs," and the title "Associate Administrator for Field Services" for the title "Director, Office of Field Management."

#### § 105.802 [Amended]

25. Section 105.802, "Standards of Conduct Counselors," is amended as follows:

a. By deleting the title "Associate General Counsel for Interagency Affairs," wherever it appears, and



substituting therefor the title "Associate General Counsel for General Law;"

b. By revising paragraph (b)(2) to read as follows:

(b) \* \* \*

(2) "Monitor the Standards of Conduct Program within their respective areas and provide required reports thereon; and"

c. By adding a new paragraph (b)(4) to read as follows:

(b) \* \* \*

(4) "Provide Outside Employment and Activities decisions pursuant to Section 105.510 of this regulation"

d. By revising paragraph (c) to read as follows:

(d) "Where a specific ruling regarding a particular situation is required, the request should be directed through the Standards of Conduct Counselor to the Standards of Conduct Committee."

26. A new § 105.803, "Designated Agency Ethics Officials," is added to read as follows:

**§ 105.803 Designated Agency Ethics Officials.**

(a) The Designated Agency Ethics Official, appointed by the Administrator pursuant to the Ethics in Government Act of 1978, shall be the Associate General Counsel for General Law. He shall be assisted by an Alternate Designated Agency Ethics Official, who will be an attorney in the Office of General Law. The Alternate Official will assist the Designated Agency Ethics Official and shall act for him, in his absence, in the performance of his official functions.

(b) The Designated Agency Ethics Officials shall administer the program for Financial Disclosure Statements under § 105.512, receive and evaluate these statements and provide advice and counsel regarding matters relating to the Ethics in Government Act of 1978 and its implementing regulations. The duties and responsibilities of the Designated Agency Ethics Officials are set forth in more detail in 5 C.F.R. Part 738 which is promulgated by and, from time to time, amended by the Office of Government Ethics.

27. Section 105.901, dealing with other statutory and regulatory provisions in the area of Standards of Conduct is amended by adding new paragraphs (r), (s), (t), (u), (v), and (w) as follows:

**§ 105.901 [Amended]**

(r) The provisions relating to post Government employment restrictions (18 U.S.C. 207).

(s) The prohibition against official acts affecting employees' personal financial interest (18 U.S.C. 208).

(t) The prohibition against the payment of Government employees' salary by other than the United States (18 U.S.C. 209).

(u) The prohibition against Government employees receiving basic pay from more than one Federal Government job for more than 40 hours per week (5 U.S.C. 5533).

(v) The prohibitions against accepting honorariums beyond designated amounts (2 U.S.C. 441(i)).

(w) Code of Ethics for Government Service (Pub. L. 96-303; July 3, 1980).

[FR Doc. 81-18383 Filed 6-19-81; 8:45 am]

BILLING CODE 8025-01-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Airworthiness Docket No., 81-ASW-27]

**Bell Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 Helicopters**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to adopt an airworthiness directive (AD) that would impose a finite retirement life on the main rotor trunnions installed on Bell Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 Helicopters. The proposed AD is needed to prevent inflight failure of the main rotor trunnion which could result in loss of the helicopter.

**DATE:** Comments must be received on or before July 22, 1981.

**ADDRESSES:** Send comments on the proposal in triplicate to: Regional Counsel, Attention: Docket No. 81-ASW-27, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

Bell Service Information may be obtained from Product Support Department, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101.

**FOR FURTHER INFORMATION CONTACT:**

Tom Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, ext. 516

**SUPPLEMENTARY INFORMATION:**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contract, concerned with the substance of the proposed AD, will be filed in the docket.

Amendment 39-3884 (45 FR 55707) AD 80-18-04, amended by Amendment 39-3954 (45 FR 70849) requires repetitive inspection of main rotor trunnions, P/N 206-010-104-3 and P/N 206-011-113-001, installed on Bell Models 206A, 206B, 206A-1, and 206B-1, helicopters or main rotor trunnion, P/N 206-011-120-001, installed on Bell Models 206L, 206L-1 helicopters. The AD was issued as a result of inflight failures of the main rotor trunnions.

The Federal Aviation Administration has determined, based on additional fatigue testing and analysis, that a retirement life should be imposed on the main rotor trunnions. Therefore, the FAA is proposing further mandatory action for all Bell Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 helicopters. The proposed AD would require a 1,200-hour retirement life for main rotor trunnion, P/N 206-011-120-001, a 2,400-hour retirement life for P/N 206-010-104-3, 206-011-113-001, and 206-011-120-103, and a 4,800-hour retirement life for P/N 206-011-113-103.

**The Proposed Amendment**

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 29.13) by adding the following new airworthiness directive:

**BELL:** Applies to Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 helicopters, equipped with main rotor trunnions, P/N 206-010-104-3, 206-011-113-001, 206-011-120-001, 206-011-113-103, and 206-011-120-103 certificated in



all categories (Airworthiness Docket No. 81-ASW-27).

Compliance required as indicated.

To prevent possible failure of the main rotor trunnion, P/N's 206-010-104-3, 206-011-113-001, 206-011-120-001, 206-011-113-103, and 206-011-120-103, due to fatigue cracks, accomplish the following, unless already accomplished:

a. Main rotor trunnions, P/N's 206-011-120-001, with 1,100 or more hours' time in service on the effective date of this AD must be removed from service within the next 100 hours' time in service.

b. Main rotor trunnions, P/N's 206-011-120-001, with less than 1,100 hours' time in service on the effective date of this AD must be removed from service prior to or on attaining 1,200 hours' time in service.

c. Main rotor trunnions, P/N 206-010-104-3, 206-011-113-001, and 206-011-120-103, with 2,300 or more hours' time in service on the effective date of this AD must be removed from service within the next 100 hours' time in service.

d. Main rotor trunnions, P/N 206-010-104-3, 206-011-113-001, and 206-011-120-103, with less than 2,300 hours' time in service on the effective date of this AD must be removed from service prior to or on attaining 2,400 hours' time in service.

e. Main rotor trunnions, P/N 206-011-113-103, with 4,700 or more hours' time in service on the effective date of this AD must be removed from service within the next 100 hours' time in service.

f. Main rotor trunnions, P/N 206-011-113-103, with less than 4,700 hours' time in service on the effective date of this AD must be removed from service prior to or on attaining 4,800 hours' time in service.

g. The helicopter may be flown in accordance with FAR 21.197 to a base where compliance with this AD can be performed.

h. The retirement times, for the main rotor trunnions, established by this AD, are as follows:

Part No.	Service life—hours
206-011-120-001	1,200
206-010-104-3	2,400
206-011-113-001	2,400
206-011-120-103	2,400
206-011-113-103	4,800

(Bell Helicopter Textron Alert Service Bulletins 206-80-7, Rev. B, dated October 15, 1980, and 206L-80-9, Rev. B, dated October 15, 1980, pertain to this subject.)

(Sections 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 11.85)

The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979,) and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a relatively low cost per aircraft. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas, on June 5, 1981.

C. R. Melugin, Jr.,  
Director, Southwest Region.

[FR Doc. 81-18191 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 81-NW-23-AD]

#### Airworthiness Directive: Boeing Model 727

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This document proposes an Airworthiness Directive (AD) which would require modification of the ground spoiler hydraulic lines, so as to eliminate the possibility of cross-connecting them. Cross-connection of these lines will cause inadvertent, asymmetric extension of the ground spoilers, resulting in a hazardous flight condition if takeoff is attempted with spoilers extended.

**DATES:** Comments must be received on or before July 22, 1981. Compliance schedule is prescribed in the body of the AD.

**ADDRESSES:** Send comments on the proposed rule in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-NW-23-AD, 9010 East Marginal Way South, Seattle, Washington 98108. The applicable service bulletin may be obtained from

The Boeing Company, P.O. Box 3707, Seattle, Washington 98124.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Gary D. Lium, Systems and Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

**SUPPLEMENTARY INFORMATION:** The ground spoiler up and down lines run parallel to each other and in close proximity for most of the distance between the wheel well and the wings. The connections in each of these lines are arranged so that it is possible to cross-connect them. Three operators have reported inadvertently cross-connecting a ground spoiler-up hydraulic line with a ground spoiler-down hydraulic line during routine maintenance, which resulted in asymmetric ground spoiler extension when the hydraulic system was pressurized. In two of the instances, the discrepancy was detected and corrected prior to flight. In one instance, the airplane took off with the right wing ground spoiler panels extended. The airplane experienced a No. 3 engine compressor stall and required lateral and directional control to maintain level flight. The airplane subsequently returned and made a safe landing.

This potentially unsafe condition can be corrected by staggering the hydraulic connections where they are now in close proximity. This Notice of Proposed Rulemaking proposes to require this change on all Boeing 727 airplanes.

#### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the rules docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.



## Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Directive Rules Docket, Docket No. 81-NW-23-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

## The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive: **BOEING: Applies to all Model 727 airplanes certificated in all categories. Compliance required as indicated. Accomplish the following, unless already accomplished:**

Within the next 2500 hours time-in-service from the effective date of this AD, modify the ground spoiler hydraulic lines in accordance with Boeing Service Bulletin No. 727-27-202, dated April 24, 1981, or later FAA approved revisions, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended [49 U.S.C. 1354(a), 1421, and 1423]; Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.85).

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION, CONTACT."

In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Washington on June 10, 1981.

Charles R. Foster,  
Director, Northwest Region.

[FR Doc. 81-18192 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 71

[Airspace Docket No. 18605/79-ASO-66]

### Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Group II Terminal Control Area; Tampa, Fla.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Withdrawal of notice of proposed rulemaking.

**SUMMARY:** This notice withdraws the Notice of Proposed Rulemaking (NPRM) concerning Airspace Docket No. 18605/79-ASO-66, which was published in the Federal Register on February 4, 1980 (45 FR 7559). That notice proposed to establish a Group II Terminal Control Area (TCA) at Tampa, Fla. FAA's review of public comments, as well as its own further analysis of other factors such as safety, cost, and traffic complexity indicated that the specific proposal in the notice may not be the most effective means of reducing collision risk in the Tampa area.

In conjunction with this withdrawal, the FAA intends to continue to examine alternative approaches to reducing collision risk. Efforts on the part of the FAA will be directed toward increased enforcement, pilot education, improving operating procedures and, where appropriate, regulatory solutions.

**DATE:** Comments must be received on or before July 22, 1981.

**ADDRESSES:** Persons wishing to comment on this withdrawal may submit their comments to Federal Aviation Administration, Attn: Airspace and Air Traffic Rules Division (ATT-200), Air Traffic Service, 800 Independence Avenue, SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** B. Keith Potts, Airspace and Air Traffic Rules Division (ATT-200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3731.

### SUPPLEMENTARY INFORMATION:

#### The Scope of the Withdrawal

This withdrawal does not affect FAA's case-by-case review of the need for TCA's. Other candidate sites will continue to be processed according to the following steps:

1. Prior to rulemaking action, informal airspace meetings will be held at each proposed site to seek public input on the TCA being considered. This input will be analyzed and used in the FAA's decisionmaking process to determine any further action taken regarding the

TCA. This decisionmaking process will also include other items such as safety, cost, and traffic complexity.

2. If it is determined that a proposed site merits a TCA, then a NPRM will be issued. Here again, the public will have the opportunity to comment on the proposed action. Those comments will be analyzed in conjunction with stated requirements for the TCA.

3. If at any point in the process it is determined that a TCA is not required, the proposed site will be withdrawn.

### The Proposed Rule

As part of a comprehensive program announced on December 27, 1978, in the FAA Administrator's Plan for Enhanced Safety of Flight Operations in the National Airspace System, the FAA proposed to establish a Group II TCA at Tampa, Fla. Operations in the proposed TCA would have been subject to the operating and equipment rules for operation in Group II TCA's specified in § 91.90(b) of Part 91 of the Federal Aviation Regulations. Those include, among other rules, the requirement to have an operable VOR, TACAN receiver, two-way radio, and a transponder to operate in the TCA. An altitude encoder was not required. That action was intended to increase the capability of the Air Traffic Control (ATC) system to separate all aircraft in the terminal airspace around the Tampa International Airport, Tampa, Fla. It was based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involves visual flight rules (VFR) aircraft that are not required to be under ATC control. The objective of the proposal was to substantially increase safety while accommodating the legitimate concerns of airspace users.

### Summary of Comments

Prior to the issuance of the NPRM for the Tampa TCA, the FAA had the benefit of recommendations derived from numerous meetings with various user groups and individuals. In response to the NPRM for the Tampa TCA, the FAA received 74 written comments and recommendations from individuals, pilots and aircraft owners, State and Federal governmental agencies, aviation trade and industry associations. Some of the responses had multiple signatures, while others purported to represent the views of a large number of organizational members. The remaining responses were from individuals.

Most of the comments received as a result of the NPRM came from pilots and owners of general aviation aircraft who stated their objection to the TCA



concept and its application in the Tampa area. Other comments were received which stated opposition to the TCA concept, e.g., that more rules are not needed, but that a better understanding and application of existing ones is needed along with reemphasis of the see-and-avoid concept. Some comments recommended corridors of airspace which would be reserved for high-performance aircraft only. Some commenters felt that the statistics used by FAA to justify the need for more control were not valid but that in any case they would not apply to this part of the country nor to Florida in particular.

IFR type service provided to VFR pilots was described as unnecessary, unsafe, a cause of delay with a resulting waste of fuel, and a contributor to the mix of low and high performance aircraft rather than providing a relief from that mix. Some commenters stated that a TCA is not warranted or justifiable at this time and that there is no evidence that a TCA would enhance or increase safety or provide local benefit. Those commenters suggested that the present Terminal Radar Service Area is adequate and that it would be better to place more emphasis on voluntary acceptance of the present Stage III service. One commenter recommended that altitude encoders should be required for all aircraft that operate in a TCA while others strongly objected to any transponder requirement whatsoever. Several recommendations pointed out the need for a method for nontransponder equipped aircraft to transition east and west through the surface area of the TCA without a requirement for advance notification. One recommendation was received to expand the Tampa control zone, airport traffic area, and transition areas as an alternative to a TCA. A few people expressed the opinion that the TCA program is self-serving to the FAA and would in fact increase the number of controllers required with the associated increase in cost.

A great deal of sensitivity to increased governmental control was expressed. One commenter stated his objection to including MacDill Air Force Base in the surface area since it is not served by air carrier traffic. He also stated that the airport traffic area would serve the same purpose as a TCA. Another commenter recommended that the airspace within 2 miles and east of Peter O'Knight not be included in the TCA since VFR uncontrolled operations to and from this airport during marginal weather could be subjected to an increased likelihood of collision with the

1,549-foot television towers located near Riverview, Fla.

An objection was received which stated that if all planned TCA's for Florida are implemented along with all of the currently designated special use military airspace that there would be little room left for VFR pilots to operate. Another commenter believed that flight path mile stretching would be required during air carrier departures to gain enough altitude to reach the 4,000-foot floor areas while another made recommendations to contain all air carrier operations in a 10-mile wide corridor while operating below 12,500 feet. Some commenters felt that buffer zones should be provided below the lowest altitude used by air carrier traffic.

The majority of commenters offered alternatives to the proposed size and shape of the TCA. That group of commenters strongly objected because the proposed TCA was "too big" both laterally and vertically, stating that those factors would create an unacceptable compression of traffic below the various floor levels which would tend to decrease safety in those areas. They viewed the proposed TCA as too complex which would discourage tourism by VFR general aviation aircraft. In addition, they felt that it would be very difficult, if not impossible, to apply while in flight and that it would prompt many inadvertent violations of the TCA boundaries. One commenter felt that many pilots would merely "keep a close eye out and press on" disregarding the requirements of the TCA.

Many commenters expressed the view that the "corridor concept" was far superior to the traditional "upside down wedding cake" concept. One suggestion advocated a part-time TCA during the busiest periods. Concern was also expressed that the proposed TCA would contain most of one of the commonly used practice areas and that the area would no longer be usable for the practice of flight maneuvers.

#### Conclusion

The primary concern in any proposed TCA action is providing the highest degree of safety while preserving the most efficient use of the available terminal airspace. With this in mind, each TCA candidate site must be evaluated on its own merit before a final decision is made to proceed with rulemaking or to withdraw a proposal. FAA evaluation, based on user comments and in conjunction with all other stated requirements for the Tampa TCA, produced the following:

1. Traffic activity for the last 16 months in the Tampa terminal area indicates an 11 percent decrease in airport operations (10 percent decrease in air carrier operations), and a 9 percent increase in instrument operations. Passenger enplanements at Tampa International Airport for CY-1980 were 3,850,290, which is a 4 percent increase over enplanements for CY-1979.

2. Utilization of Stage III radar services by aircraft landing and departing Tampa International Airport is nearly 100 percent. Participation by pilots flying through the Terminal Radar Service Area (TRSA) is extremely high. Tampa ATC Tower has been very successful in educating local pilots about Stage III and provides that service in a manner which is clearly beneficial to the user. Discussions between key general aviation pilots in the Tampa area and Air Traffic Division personnel show a great deal of confidence in the job Tampa ATC Tower is doing, with favorable comments for continued TRSA participation.

3. There are no weaknesses in the existing Tampa TRSA. Adequate levels of safety are achieved as a result of the Stage III service provided by Tampa ATC Tower. There are 1,185 aircraft based at 17 airports within 20 NM of Tampa International Airport. A considerable amount of VFR flight activity between airports east and west of Tampa International Airport is generated by these aircraft. For the most part, those aircraft are provided Stage III service directly over the east/west runway at Tampa International Airport at altitudes of 2,100 feet to 3,500 feet.

4. There are no procedural deficiencies as a result of air traffic demand. More than one million operations occur at the 5 tower controlled airports within the Tampa terminal area annually creating a complex air traffic environment. The Air Force expects to base two additional squadrons of F-16 aircraft at MacDill Air Force Base by August of this year, which will have some effect on complexity. Air traffic procedures are designed to include all aspects of this dynamic operation and to allow all user needs to be met safely and efficiently.

5. Four near midair collisions have occurred in the Tampa terminal area during the last 6 months. Each incident involved a military aircraft and a general aviation aircraft. Air carrier aircraft were not involved in any near midair collisions during the same period.

Even though traffic activity in the Tampa terminal area has increased and is projected to continue increasing, the



existing Tampa TRSA provides an adequate level of safety for the user. FAA expects the highly successful TRSA program at Tampa to meet future traffic demands and user needs through continued pilot education and involvement of Tampa ATC Tower personnel in the aviation community. Therefore, FAA is withdrawing the proposal for a Group II TCA at Tampa, Fla. FAA will continue to evaluate Tampa as a TCA candidate site and make necessary recommendations as needed.

#### The Withdrawal

Accordingly, pursuant to the authority delegated to me, the Notice of Proposed Rulemaking concerning Airspace Docket No. 18605/79-ASO-66, as published in the *Federal Register* on February 4, 1980, (45 FR 7559), is hereby withdrawn.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this notice of withdrawal involves a rulemaking action which rescinds a proposed rulemaking action and will not have any impact. The FAA, therefore, concluded that this action: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on June 15, 1981.

R. J. Van Vuren,  
Director, Air Traffic Service.

[FR Doc. 81-18186 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 81-EA-13]

#### Proposed Designation of Transition Area; Ravenwood, W. Va.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rule Making.

**SUMMARY:** This notice proposed to designate a Ravenwood, West Virginia, Transition Area over Jackson County Airport, Ravenwood, West Virginia. A new instrument approach procedure has been developed for Jackson County Airport, and will require protection for

aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

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

**ADDRESSES:** Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

**FOR FURTHER INFORMATION CONTACT:** Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

#### Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before August 13, 1981, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

#### Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

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

#### The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a Ravenwood, West Virginia, Transition Area. The 700-foot transition area will be designated within an 8 mile radius of the airport and with an extension to the southwest 11 miles wide and 5 miles long.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Ravenwood, West Virginia, 700 foot floor transition area as follows:

#### Ravenwood, W. Va.

That airspace extending upward from 700 feet above the surface within an 8 mile radius of the Jackson County Airport, Ravenwood, West Virginia, 38°55'47" N., 81°49'11" W., within 5.5 miles each side of the 230° bearing from the Jackson County Airport extending from the 8 mile radius area to 13 miles southwest of the airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.65)

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

Issued in Jamaica, New York, on June 2, 1981.

Murray E. Smith,  
Director, Eastern Region.

[FR Doc. 81-18186 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M



## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

## 18 CFR Part 271

[Docket No. RM79-76 (Wyoming-5)]

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

ACTION: Notice of proposed rulemaking.

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

**DATE:** Comments on the proposed rule are due on July 16, 1981.

**PUBLIC HEARING:** No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on July 1, 1981.

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

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

Issued June 16, 1981.

In the matter of high-cost gas produced from tight formations; Docket No. RM79-76 (Wyoming-5).

## I. Background

On June 8, 1981, the State of Wyoming Oil and Gas Conservation Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Frontier Formation located in Carbon County,

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

## II. Description of Recommendation

The recommended formation underlies portions of Carbon County, Wyoming. The proposed area contains 55,040 acres and is located generally within Townships 14 through 16 North, Ranges 89 through 91 West, approximately 30 miles south of the town of Rawlins, Wyoming. The depth to the top of the Frontier Formation ranges from approximately 5500 feet on the eastern edge of the area to approximately 7500 feet on the western edge, and is expected to average 6000 feet. The Frontier Formation averages 250 feet in thickness.

## III. Discussion of Recommendation

Wyoming claims in its submission that evidence gathered through information and testimony presented at a public hearing in Docket No. 193-80 convened by Wyoming on this matter demonstrates that:

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

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

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

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

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Wyoming that the Frontier Formation, as described and delineated in Wyoming's recommendation as filed with the

Commission, be designated as a tight formation pursuant to § 271.703.

## IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 16, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Wyoming-5), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than July 1, 1981.

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

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

**Kenneth A. Williams,**

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (54) to read as follows:

## § 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation. \* \* \*



(40) through (53) [RESERVED]

(54) *Frontier Formation in Wyoming*  
RM79-76 (Wyoming—5)

(i) *Delineation of formation.* The Frontier Formation is located in Carbon County, Wyoming, in Township 14 North, Range 89 West, Sections 5 through 8, 17 through 20, 29 and 30; Township 14 North, Range 90 West, Sections 1 through 5, 8 through 17, and 21 through 28; Township 15 North, Range 89 West, Sections 18 through 20 and 29 through 32; all of Township 15 North, Range 90 West, excluding Sections 1 and 31; Township 15 North, Range 91 West, Sections 1 and 12; Township 16 North, Range 90 West, Sections 19, 20, and 28 through 34; and Township 16 North, Range 91 West, Sections 24, 25, and 36.

(ii) *Depth.* The top of the Frontier Formation is found at depths ranging from 5,500 feet in the east to 7,500 feet in the west, and averaging 6,000 feet. The Frontier Formation is defined as that formation found immediately beneath the Carlile Shale and immediately above the Mowry Shale.

[FR Doc. 81-18339 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-85-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-2-FRL 1850-1]

### Approval and Promulgation of State Implementation Plans; Revision to the Virgin Island Implementation Plan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** This proposal announces receipt of a request from the Virgin Islands to revise its implementation plan. If approved by the Environmental Protection Agency (EPA), this revision will have the effect of allowing Martin Marietta Alumina and Hess Oil Virgin Islands Corporation located on the Island of Saint Croix, to continue using fuel oil with a sulfur content of 1.5 percent, by weight. The current sulfur content regulatory limitation is 0.50 percent, by weight. Under the provisions of the Virgin Island's submittal, the use of the higher sulfur content fuel oil would be permitted for a maximum period of one year from the date of EPA's final approval.

**DATES:** Comments must be received on or before July 22, 1981.

**ADDRESSES:** All comments should be addressed to: Richard T. Dewling, Ph. D., Acting Regional Administrator,

Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

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

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

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

Government of the Virgin Islands of the United States, Department of Conservation and Cultural Affairs, Office of the Commissioner, Charlotte Amalie, St. Thomas 00801.

### FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 1005, New York, N.Y. 10278, (212) 264-2517.

**SUPPLEMENTARY INFORMATION:** On April 9, 1981 the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States submitted to the Environmental Protection Agency (EPA) a proposed revision to its implementation plan for attaining and maintaining national ambient air quality standards. The proposed revision deals with and "administrative order" which, if approved by EPA, would allow Martin Marietta Alumina and Hess Oil Virgin Islands Corporation to continue using fuel oil with a sulfur content of 1.5 percent, by weight at certain of their fuel burning sources. Martin Marietta Alumina (MMA) and Hess Oil Virgin Islands Corporation (HOVIC), both located in the Southern Industrial Complex on the Island of Saint Croix currently are required by regulation to burn fuel oil with a maximum sulfur content of 0.50 percent, by weight. The administrative order does not affect MMA's Expansion E unit, whose sulfur emission limit is regulated by a Prevention of Significant Deterioration (PSD) permit. The administrative order issued by the Virgin Islands (authorized under Title 12 V.I.C. § 211 and Title 12 V.I.R. & R. §§ 204-26(d)) allows the use of 1.5 percent maximum sulfur content oil for a maximum period of one year from the date of EPA's final approval.

The submittal by the Virgin Islands consists of an administrative order promulgated and signed by the Commissioner of the Virgin Islands Department of Conservation and Cultural Affairs, proof of publication of

a public hearing notice and a technical document prepared by MMA.

The Virgin Islands Implementation Plan revision was submitted in accordance with all EPA requirements under 40 CFR Part 51. These include the need for a public hearing, which was held by the Virgin Islands Government on April 23, 1981.

EPA has reviewed the technical material submitted by the MMA and the Virgin Islands Government. Based on this review, EPA concurs with the Virgin Islands Government that no violations of national ambient air quality standards or PSD increments will occur and proposes to approve the Virgin Islands Implementation Plan revision submittal.

It should be noted, however, that EPA's proposed approval is predicated on the fact that any increase in sulfur dioxide emissions from any source recently issued or having applied for a PSD permit for sulfur dioxide will not occur during the one-year duration of this SIP revision. This assumption is based on the long lead times involved in the construction of a major source. Consequently, EPA concludes that approval of this revision will not inhibit the issuance of a permit to any PSD affected source. Any extension of EPA's proposed approval of this action will have to be initiated by a new plan revision request from the Government of the Virgin Islands. EPA would be required to evaluate this new request on the basis of the amount of the PSD increment which remains available at the time of the request, considering the emissions growth which had occurred on a "first-come, first-served" basis in the intervening period.

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted on or before July 22, 1981 on whether the proposed SIP revision should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed SIP revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations in 40 CFR 51.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves



State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because, generally, it only proposes to approve a regulation that presently applies under Virgin Islands law.

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

Dated: June 19, 1981.

Richard Dewling,  
*Acting Regional Administrator.*

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

[FR Doc. 81-18376 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-38-M

#### 40 CFR Part 81

[A-3-FRL-1851-2]

#### Commonwealth of Virginia; Section 107—Attainment Status Designations

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Commonwealth of Virginia has submitted a revision subdividing the existing air quality control regions with respect to the attainment status for sulfur oxides and particulate matter under Section 107(d) of the Clean Air Act. The areas designated as "remainder of AQCR" are to be subdivided into county-by-county designations. The Commonwealth requested the change to provide more effective management of its air quality resources. This revision will not change the air quality classification of any air quality control region in the Commonwealth.

EPA proposes to approve this change submitted by the Commonwealth of Virginia. The purpose of this notice is to solicit public comment on this proposed action. All other Section 107 designations for the Commonwealth of Virginia not discussed in this notice remain intact (43 FR 40502, 1978, 45 FR 43412, 1980).

**DATE:** Comments on the proposed change must be submitted on or before July 22, 1981.

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

U.S. Environmental Protection Agency,  
Region III, Curtis Building, Tenth  
Floor, 6th & Walnut Streets,  
Philadelphia, Pennsylvania 19106,  
Attn: Carol D. Peters (3AH13),  
Telephone: (215) 597-9139

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

Public Information Reference Unit,  
Room 2922, EPA Library, U.S.  
Environmental Protection Agency, 401  
M Street SW., Washington, DC 20460  
All comments should be addressed to:

Mr. James E. Sydnor, Chief (3AH13),  
WVA, VA Section, U.S. Environmental  
Protection Agency, Region III, Curtis  
Building, Tenth Floor, 6th & Walnut  
Streets, Philadelphia, PA 19106, Attn:  
107VA-2.

**FOR FURTHER INFORMATION CONTACT:**  
Carol D. Peters at (215) 597-9139.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 30, 1980, the Commonwealth of Virginia submitted to EPA, a revision of its air quality control areas. This revision consists of a subdivision of existing areas designated as "remainder of AQCR" in Virginia, with respect to the attainment of sulfur dioxide (SO<sub>2</sub>) and total suspended particulates (TSP).

Virginia requested the change in air quality control area designations as a result of the new Prevention of Significant Deterioration (PSD) regulations published in the Federal Register on August 7, 1980 (45 FR 52676, 52715). All of Virginia's air quality control areas for TSP and SO<sub>2</sub> are presently classified as attainment or unclassifiable.

##### Proposed Redesignation

The air quality control areas for TSP and SO<sub>2</sub> in Virginia are defined as counties or "remainder of AQCR" (43 Fed. Reg. 40502, September 12, 1978). Those areas designated as "remainder of AQCR" were judged by Virginia to be too large to manage efficiently. Therefore, Virginia requested that the "remainder of AQCR" areas be redefined on a county-by-county basis as are the other areas. The air quality classification of any area (attainment or unclassifiable) will not be changed. All other Section 107 designations for the Commonwealth of Virginia not discussed in this notice remain intact, as per 43 Fed. Reg. 40502, 1978, and 45 Fed. Reg. 43412, 1980. EPA proposes to approve this revision of the air quality control areas for TSP and SO<sub>2</sub> under Section 107(d) of the Clean Air Act.

##### Submittal of Public Comments

The public is invited to comment on whether or not the areas designated as "remainder of AQCR" should be subdivided into county designations, and to comment on EPA's proposed

approval of the changes. All comments received on or before July 22, 1981 will be considered. All comments should be submitted to the address stated above.

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

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

Pursuant to the provisions of U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 Fed. Reg. 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(Authority: Sections 107(d), 301(a) of the Clean Air Act as amended (42 U.S.C. 7407(d), 7501(2), 7601(a))

Dated: June 2, 1981.

Jack J. Schramm,  
*Regional Administrator.*

[FR Doc. 81-18395 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-38-M

#### 40 CFR Part 81

[A-3-FRL 1805-2]

#### Status for West Virginia; Proposed Redesignation of Attainment

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** On November 25, 1980, West Virginia requested that EPA approve a change in the designation of the Kanawha Valley Intrastate Air Quality Control Region (AQCR) from nonattainment of the ozone (O<sub>3</sub>) standard to attainment. In this notice EPA is proposing approval of this redesignation.

**DATE:** Comments must be submitted on or before July 22, 1981.

**ADDRESSES:** Copies of West Virginia's request for redesignation of the AQCR are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency,  
Region III, Curtis Building, Tenth



Floor, Sixth and Walnut Streets,  
Philadelphia, PA 19106, Attn: Mr.  
Raymond Chalmers

West Virginia Air Pollution Control  
Board, 1558 Washington Street, East,  
Charleston, West Virginia 25311, Attn:  
Mr. Carl Beard

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

All comments on the proposed  
revision submitted on or before 30 days  
of publication of this notice will be  
considered and should be directed to:  
Mr. W. Ray Cunningham, Chief, Air  
Media and Energy Branch, Air, Toxics  
and Hazardous Materials Division, U.S.  
Environmental Protection Agency,  
Region III, Sixth and Walnut Streets,  
Philadelphia, Pennsylvania 19106.

#### FOR FURTHER INFORMATION CONTACT:

Raymond D. Chalmers (3AH13), U.S.  
Environmental Protection Agency,  
Region III, 6th & Walnut Streets,  
Philadelphia, PA 19106, telephone  
number 215/597-8309.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 107(d)(1) of the Clean Air Act (Act) requires the States to submit to the Administrator a list identifying all air quality control areas, or portions thereof, that have not attained the National Ambient Air Quality Standards. The Act further requires that the Administrator promulgate this list, with such modifications as he deems necessary, as required by Section 107(d)(2) of the Act. On March 3, 1978, the Administrator promulgated nonattainment designations for the State of West Virginia for Ozone ( $O_3$ ), 44 Fed. Reg. 8962. These designations were effective immediately and public comment was solicited. On September 12, 1978, in response to the comments received, the Administrator revised and amended some of the original designations, 43 Fed. Reg. 40502. The Act also provides that a State may from time to time review and revise its designations and submit these revisions to the Administrator for promulgation (Section 107(d)(5) of the Act). The criteria and policy guidelines governing these revisions and the Administrator's review of them are the same that were used in the original designations. These were summarized in the Federal Register on March 3, 1978, 43 Fed. Reg. 8962, September 11, 1978, 43 FR 40412; and September 12, 1978, 43 Fed. Reg. 40502.

#### Proposed Redesignation

On November 25, 1980, the State of West Virginia requested EPA to approve a change in the designation of the Kanawha Valley Intrastate AQCR from nonattainment of the  $O_3$  standard to attainment.

EPA considers the ozone standard of  $235 \mu\text{g}/\text{m}^3$  to be attained when the expected number of days per calendar year with maximum hourly average concentrations above  $235 \mu\text{g}/\text{m}^3$  is equal to or less than 1. The procedures for calculating the expected number of days per calendar year with exceedances are given in 40 C.F.R. 50 Appendix H.

West Virginia's  $O_3$  data for the Kanawha Valley Intrastate AQCR shows that only one exceedance of the  $O_3$  standard has occurred during the years 1978 through 1980. Following the procedures specified in Appendix H, West Virginia estimated the number of exceedances for each year as 1.1 for 1978, 0.0 for 1979, and 0.0 for 1980. Averaging these values together as required by Appendix H, West Virginia showed that less than one exceedance of the  $O_3$  standard can be expected per year.

EPA believes that West Virginia has shown that the Kanawha Valley Intrastate AQCR has attained the  $O_3$  standards. Therefore, EPA is proposing approval of West Virginia's request that this AQCR be redesignated from nonattainment for  $O_3$  to attainment.

#### Submittal of Public Comments

The public is invited to comment on whether or not the Kanawha Valley Intrastate AQCR, currently a nonattainment area for the  $O_3$  standards, should be redesignated as an attainment area.

All comments received on or before July 22, 1981 will be considered. Comments should be sent to the address given above.

Pursuant to the provisions of 5 U.S.C. 505(b), the Administrator has certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule if promulgated would constitute an attainment status redesignation under Section 107(d) within the terms of the January 27 certification. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This regulation is not "major" for the same reasons that it has no significant economic impact: This action imposes

no regulatory requirements but only changes an area air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

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

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

Dated: May 12, 1981.

Jack J. Schramm,  
Regional Administrator.

[FR Doc. 81-18396 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-38-M

#### 40 CFR Part 180

[OPP-300053; PH-FRL-1858-1]

#### Dimethylformamide; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the inert (or occasionally active) ingredient dimethylformamide, as part of the U.S. Department of Agriculture (USDA) witchweed quarantine program, be exempted from tolerance requirements when applied postemergent to field corn.

DATE: Comments must be received by July 2, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy (703-557-7110).

SUPPLEMENTARY INFORMATION: The Administrator proposes to broaden the present exemption [(§ 180.1001(d))] for dimethylformamide to include, as part of the USDA witchweed quarantine program, postemergent application to field corn, after silking and tasseling of the corn.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not



intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

*Name of Inert Ingredient.*

Dimethylformamide.

*Name and Address of Requestor.*

Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

*Basis for Approval.* The maximum theoretical residue level from the proposed use is calculated to be 3.6 parts per million (ppm) in corn grain. (In actual practice, residues will be much lower due to weathering, growth dilution, and use as a directed spray to base of plants.)

Based on available toxicity data, it has been determined that these residue levels will pose no additional health hazard via the human dietary route. Previous data indicate that the no-observable-effect level (NOEL) from a mouse feeding study was 540 ppm; and the NOEL from a rat feeding study was 750 ppm.

The proposed broadened use is limited to official applications by the U.S. Department of Agriculture in North and South Carolina only.

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains this inert ingredient may request, July 2, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act. The agency has published this rulemaking proposal with a 10-day comment period rather than the normal thirty day comment period in an effort to expedite the tolerance setting process because of the urgency for dimethylformamide in the USDA's program.

Interested persons are invited to submit written comments on the

proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[PP-300053]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS-767C), Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerance or raising tolerance levels or establishing exemptions from tolerances requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e) 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: June 9, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR 180.1001(d) is amended by revising the entry "Dimethylformamide" to read as follows:

**§ 180.1001 Exemptions from the requirement of a tolerance.**

(d) \* \* \*

Inert ingredient	Limits	Uses
Dimethylformamide (see also § 180.1046).	For use only in preemergence application, application prior to formation of edible parts of food plants, and seed and transplant treatment. Also, as part of the USDA witchweed quarantine program, postemergent application in field corn, after silking and tasseling of the corn.	Solvent, cosolvent.

Inert ingredient	Limits	Uses
* * *	* * *	* * *

[FR Doc. 81-18364 Filed 6-19-81; 8:45 am]  
BILLING CODE 6560-32-M

**40 CFR Part 420**

[FRL 1856-1]

**Iron and Steel Point Source Category**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice announcing meeting and availability of summaries of meetings.

**SUMMARY:** The Environmental Protection Agency announces that it will conduct meetings regarding the proposed effluent guidelines limitations for the iron and steel industry. EPA will make memoranda summarizing the issues discussed at the meetings available to the public.

**ADDRESS:** Memoranda will be made available in the Public Information Reference Unit, Room 2404 (Rear) PM-213 (EPA Library), 401 M St., SW, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Ernst P. Hall, Effluent Guidelines Division, (WH-552), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 426-2586.

**SUPPLEMENTARY INFORMATION:** The Agency published the proposed effluent limitation guidelines for the iron and steel manufacturing point source category on January 7, 1981 (46 FR 1858). The proposed regulation would limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in manufacturing steel. The comment period on the proposed regulation closed on May 8, 1981.

The Agency expects to hold meetings with steel industry representatives and other interested persons concerning issues related to the proposed regulation. The Agency will prepare memoranda summarizing the issues discussed at each meeting as well as all significant information which was brought to the Agency's attention. The memoranda will be made available to the public by being placed promptly in the docket for the proposed regulation. The docket is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213 (EPA Library). The Agency invites all interested persons to



review the memoranda and present any appropriate responses

Dated: June 15, 1981.

James H. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-18412 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-29-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-6090]

#### National Flood Insurance Program Proposed Base Flood Elevations and Zone Designations for the City of El Cajon, San Diego County, Calif.

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

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

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

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the Department of Planning, 200 East Main Street, El Cajon, California.

Send comments to: The Honorable John Reber, Mayor, City of El Cajon, 200 East Main Street, El Cajon, California 92020.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570 (in Alaska and Hawaii call toll free (800) 424-9080).

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed base flood elevations and zone designations for the City of El Cajon, California, in

accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

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

The proposed base flood elevations and zone designations are as follows:

Source of flooding	Location	Elevation (in feet) (NGVD)	Zone designation
Forster Creek.	Approximately 600 feet downstream of Cuyamaca St.	349	Zone A7.
	At Cuyamaca St.	352	Zone A8.
	At Billy Mitchell Dr.	372	Zone A9.
	Approximately 250 feet downstream of Bradley Ave.	379	Zone A8.
Broadway Creek.	Approximately 250 feet downstream of Johnson Ave.	378	Zone A8.
	At Joe Cassel Dr.	384	Zone A4.
	At Bradley Ave.	389	Zone A4.
	Approximately 300 feet downstream of Vernon Way.	396	Zone A4.
	Approximately 75 feet downstream of Victor St.	425	Zone A4.

Also, Washington Creek and portions of Forster Creek have been channelized to contain the 100-year flood. In addition, the Special Flood Hazard Areas have been deleted along Fanita Drive Tributary, Valley Lake Drive Tributary, Canyonback Tributary, and Petree Street Tributary.

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

Issued: June 9, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-18207 Filed 6-19-81; 8:45 am]

BILLING CODE 6718-03-M

### 44 CFR Part 67

[Docket No. FEMA-6089]

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

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

**ACTION:** Proposed rule.

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

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

**ADDRESSES:** See table below.

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

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

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirement on its own, or pursuant to policies established by other Federal, State, or Regional entities.



These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for a new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies

that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations impose no restriction unless and until the local

community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with federal standards, the elevation prescribes how high to build in the floodplain and does not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirements; of itself it has no economic impact.

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

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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Florida	Unincorporated areas of Lake County	Lake Akron	Entire shoreline	*49
		Lake Amos	Entire shoreline	*65
		Lake Apopka	Entire shoreline	*69
		Bass Lake	Entire shoreline	*51
		Bear Pond	Entire shoreline	*60
		Lake Beauclair	Entire shoreline	*66
		Blue Lake	Entire shoreline	*135
		Lake Bracy	Entire shoreline	*70
		Lake Burns	Entire shoreline	*75
		Lake Carlton	Entire shoreline	*68
		Cherry Lake	Entire shoreline	*99
		Cook Lake	Entire shoreline	*70
		Lake Cooley	Entire shoreline	*71
		Crescent Lake	Entire shoreline	*70
		Lake Dora	Entire shoreline	*66
		East Lake	Entire shoreline	*80
		Lake Edwards	Entire shoreline	*60
		Lake Eldorado	Entire shoreline	*66
		Lake Elsie	Entire shoreline	*75
		Lake Etowah	Entire shoreline	*74
		Lake Franklin	Entire shoreline	*105
		Lake Gertrude	Entire shoreline	*73
		Lake Gibson	Entire shoreline	*76
		Lake Grace	Entire shoreline	*49
		Lake Hermosa	Entire shoreline	*74
		Island Lake	Entire shoreline	*75
		Lake Jewell	Entire shoreline	*50
		Lake Joanna	Entire shoreline	*155
		Johns Lake	Entire shoreline	*101
		Lake Kathryn	Entire shoreline	*45
		Lake Lincoln	Entire shoreline	*75
		Lake Louisa	Entire shoreline	*100
		Lake Louise	Entire shoreline	*80
		Lake Lulu	Entire shoreline	*49
		Lake Minnehaha	Entire shoreline	*100
		Lake Minneola	Entire shoreline	*99
		Mirror Lake	Entire shoreline	*50
		Mount Plymouth Lake	Entire shoreline	*65
		Lake Nettle	Entire shoreline	*65
		Lake Owen	Entire shoreline	*70
		Lake Pearl	Entire shoreline	*80
		Perch Lake	Entire shoreline	*51
		Ponding area 1	Entire shoreline	*169
		Ponding area 2	Entire shoreline	*115
		Ponding area B10B	Entire shoreline	*66
		Ponding area B10C	Entire shoreline	*66
		Ponding area B10D	Entire shoreline	*84
		Ponding area B10E	Entire shoreline	*60
		Ponding area B10F	Entire shoreline	*70
		Ponding area B10G	Entire shoreline	*65
		Ponding area B10H	Entire shoreline	*70
		Ponding area B10I	Entire shoreline	*90
		Ponding area B10J	Entire shoreline	*100
		Ponding area B10K	Entire shoreline	*66
		Ponding area B10M	Entire shoreline	*65
		Ponding area B10N	Entire shoreline	*65
		Ponding area B10O	Entire shoreline	*65
		Ponding area B21D	Entire shoreline	*60
		Ponding area B21E	Entire shoreline	*58
		Ponding area B21F	Entire shoreline	*60
		Ponding area B30A	Entire shoreline	*60
		Ponding area B30C	Entire shoreline	*62
		Ponding area B30D	Entire shoreline	*60
		Ponding area F1A	Entire shoreline	*75
		Ponding area F1C	Entire shoreline	*74
		Ponding area F1D	Entire shoreline	*75
		Ponding area F1E	Entire shoreline	*75
		Ponding area F1F	Entire shoreline	*72



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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Ponding area F1G	Entire shoreline	*71
		Ponding area F1H	Entire shoreline	*70
		Ponding area F3C	Entire shoreline	*70
		Ponding area F3D	Entire shoreline	*70
		Ponding area F3F	Entire shoreline	*75
		Ponding area F3G	Entire shoreline	*65
		Ponding area F3H	Entire shoreline	*70
		Ponding area F3I	Entire shoreline	*70
		Ponding area F4C	Entire shoreline	*65
		Ponding area F5G	Entire shoreline	*80
		Ponding area F6A	Entire shoreline	*75
		Ponding area F6B	Entire shoreline	*75
		Ponding area F6C	Entire shoreline	*75
		Ponding area F6D	Entire shoreline	*75
		Ponding area G7B	Entire shoreline	*69
		Ponding area G7C	Entire shoreline	*64
		Ponding area G7D	Entire shoreline	*70
		Ponding area G7E	Entire shoreline	*70
		Ponding area G7F	Entire shoreline	*70
		Ponding area G7H	Entire shoreline	*69
		Ponding area G7I	Entire shoreline	*70
		Ponding area G7J	Entire shoreline	*70
		Ponding area G7HA	Entire shoreline	*65
		Ponding area G8B	Entire shoreline	*70
		Ponding area H1B	Entire shoreline	*70
		Ponding area H1C	Entire shoreline	*70
		Ponding area H1D	Entire shoreline	*75
		Ponding area H1E	Entire shoreline	*71
		Ponding area H1H	Entire shoreline	*70
		Ponding area H1I	Entire shoreline	*70
		Ponding area H5A	Entire shoreline	*71
		Ponding area H5B	Entire shoreline	*71
		Ponding area H5C	Entire shoreline	*71
		Ponding area H5E	Entire shoreline	*75
		Ponding area H5F	Entire shoreline	*75
		Ponding area H5G	Entire shoreline	*82
		Ponding area H6E	Entire shoreline	*65
		Ponding area H6F	Entire shoreline	*80
		Ponding area H6K	Entire shoreline	*80
		Ponding area K1A	Entire shoreline	*75
		Ponding area K1B	Entire shoreline	*65
		Ponding area K5A	Entire shoreline	*80
		Ponding area K5B	Entire shoreline	*75
		Ponding area K5C	Entire shoreline	*70
		Ponding area K5E	Entire shoreline	*80
		Ponding area K5F	Entire shoreline	*78
		Ponding area K5H	Entire shoreline	*74
		Ponding area L1A	Entire shoreline	*83
		Ponding area L1B	Entire shoreline	*83
		Ponding area L1C	Entire shoreline	*85
		Ponding area L1D	Entire shoreline	*85
		Ponding area L1E	Entire shoreline	*80
		Ponding area L1F	Entire shoreline	*80
		Sap Pond	Entire shoreline	*84
		Lake Saunders	Entire shoreline	*75
		Lake Schimmerhorn	Entire shoreline	*51
		Lake Sidney	Entire shoreline	*49
		Silver Lake	Entire shoreline	*70
		Lake Smith	Entire shoreline	*70
		Smith Pond	Entire shoreline	*85
		South Lake	Entire shoreline	*51
		Sunset Valley	Entire shoreline	*80
		Lake Swatara	Entire shoreline	*73
		Lake Tavares	Entire shoreline	*64
		Trout Lake	Entire shoreline	*49
		North Twin Lake	Entire shoreline	*65
		South Twin Lake	Entire shoreline	*65
		Unnamed pond south of Lake Eldorado	Entire shoreline	*70
		Unnamed pond southwest of Lake Eldorado	Entire shoreline	*74
		Unnamed lake east of Lake Joanna	Entire shoreline	*85
		Unnamed lake north of Lake Nettie	Entire shoreline	*105
		Unnamed lake northeast of Lake Swatara	Entire shoreline	*75
		West Crooked Lake System	Entire shoreline	*74
		Lake Woodward	Entire shoreline	*75
		Lake Yale	Entire shoreline	*61
		St. John's River	Just upstream of State Highway 40	*7
			Just downstream of the confluence of Snake Creek	*8
		Wekiva River	Approximately 500 feet upstream of State Highway 46	*11
			Approximately 500 feet downstream of Seaboard Coast Line Railroad	*12



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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
<p>Maps available for inspection at Planning Department, Lake County Courthouse, 2nd Floor, 315 West Main Street, Tavares, Florida 32778.</p> <p>Send comments to Mr. Glenn Burhans or Mr. Jerry Greis, Land Development Manager, Lake County Courthouse, 315 West Main Street, Tavares, Florida 32778.</p>				
Illinois	(C), Johnston City, Williamson County	Lake Creek	About 600 feet downstream of Grand Avenue	*404
		Shakerag tributary	At confluence with Shakerag tributary	*411
			Just upstream of 9th Street	*413
			About 550 feet upstream of East 14th Street	*431
<p>Maps available for inspection at the Clerk's Office, City Hall, 500 South Washington, Johnston City, Illinois.</p> <p>Send comments to Honorable Bill Stevens, Mayor, City of Johnston City, City Hall, 500 South Washington, Johnston City, Illinois 62951.</p>				
Illinois	(C), Tuscola, Douglas County	Scattering Fork	About 1,300 feet downstream of Egyptian Trail Road	*648
			About 200 feet downstream of Egyptian Trail Road	*650
			At upstream corporate limits (upstream of Washington Street)	*652
		Hayes branch	Just upstream of Prairie Street	*650
			About 0.5 mile upstream of North Line Road	*652
<p>Maps available for inspection at the Clerk's Office, City Hall, 204 North Park, Tuscola, Illinois.</p> <p>Send comments to Honorable Chris Hill, Mayor, City of Tuscola, City Hall, 204 North Park, Tuscola, Illinois 61953.</p>				
Indiana	(C), Columbus, Bartholomew County	East Fork White River	About 2.9 miles downstream of Third Street	*611
			Just upstream of Third Street	*621
			About 2,900 feet upstream of Third Street	*623
		Driftwood River	At confluence with East Fork White River	*623
			About 2.7 miles upstream of Third Street	*625
		Flatrock River	At mouth	*623
			Just upstream of U.S. Highway 31	*630
			Just downstream of North Road	*637
		Haw Creek	At mouth	*616
			About 1,050 feet downstream of State Street	*618
			Just upstream of Tenth Street	*626
			Just upstream of Highway 31	*634
			Just upstream of Ford Road	*641
			About 0.6 mile upstream of Ford Road	*643
		Clifty Creek	About 1.6 miles downstream of State Street	*610
			About 1,500 feet upstream of State Street	*620
			About 250 feet upstream of U.S. Highway 31	*626
			About 1.35 miles upstream of U.S. Highway 31	*632
<p>Maps available for inspection at the City Hall, 5th and Franklin, Columbus, Indiana.</p> <p>Send comments to Honorable Nancy Ann Brown, Mayor, City of Columbus, City Hall, 5th and Franklin, Columbus, Indiana 47201.</p>				
Massachusetts	Merrimac, town, Essex County	Lake Attitash	Entire shoreline within community	*98
		Merrimack River	Downstream corporate limits	*13
			Upstream corporate limits	*16
		Tributary to Neal Pond	Birch Meadow Road No. 1	*102
			At most upstream crossing of Birch Meadow Road No. 2	*107
<p>Maps available for inspection at the Conservation Commission, Town Hall, School Street, Merrimac, Massachusetts.</p> <p>Send all comments to the Honorable George Waterhouse, Chairman of the Merrimac Board of Selectmen, Town Hall, School Street, Merrimac, Massachusetts 01860.</p>				
Michigan	(C), Marshall, Calhoun County	Kalamazoo River	About 1,200 feet upstream of Interstate 69	*880
			Just downstream of dam (about 400 feet upstream of South Marshall Avenue)	*890
			Just upstream of dam (about 400 feet upstream of South Marshall Avenue)	*901
			About 4,400 feet upstream of South Marshall Avenue	*901
		Rice Creek	Just downstream of Monroe Street	*890
			About 4,300 feet upstream of South Marshall Avenue	*897
		Mill Race	Mouth at Rice Creek	*893
			Just upstream of dam (about 100 feet upstream of mouth)	*897
			About 2,800 feet above mouth	*898
<p>Maps available for inspection at the City Hall, 323 W. Michigan Avenue, Marshall, Michigan.</p> <p>Send comments to Honorable George P. Brown, Mayor, City of Marshall, City Hall, 323 W. Michigan Avenue, Marshall, Michigan 49068.</p>				
Minnesota	(C), Appleton, Swift County	Pomme de Terre River	At downstream corporate limits	*982
			Just upstream of State Highways 7 and 119	*993
			At upstream corporate limits	*999
<p>Maps available for inspection at the Appleton Civic Center, 323 West Schlieman Avenue, Appleton, Minnesota.</p> <p>Send comments to Honorable James Lohr, Mayor, City of Appleton, Appleton Civic Center, 323 West Schlieman Avenue, Appleton, Minnesota 56208.</p>				
Missouri	(C), Bethany, Harrison County	Big Creek	About 1,500 feet downstream of abandoned Burlington Northern Railroad	*847
			At confluence of West Fork Big Creek	*851
		East Fork Big Creek	About 5,000 feet upstream of 12th Street	*860
<p>Maps available for inspection at the City Hall, P.O. Box 344, Bethany, Missouri.</p> <p>Send comments to Honorable Dale Barnes, Mayor, City of Bethany, City Hall, P.O. Box 344, Bethany, Missouri 64424.</p>				
Ohio	(V), Elmore, Ottawa County	Portage River	About 3,500 feet downstream of Toledo Street	*598
			About 2,600 feet upstream of Conrail	*600



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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
<p>Maps available for inspection at the Mayor's Office, Town Hall, 344 Rice Street, Elmore, Ohio.</p> <p>Send comments to Honorable Leland Rutherford, Mayor, Village of Elmore, Town Hall, 344 Rice Street, Elmore, Ohio 43416.</p>				
Ohio	(V), Genoa, Ottawa County	Packer Creek	About 950 feet downstream of Washington Street About 690 feet upstream of Wilson Street	*619 *625
<p>Maps available for inspection at the Mayor's Office, Town Hall, 509 Main Street, Genoa, Ohio.</p> <p>Send comments to Honorable Hope L. Niehausmyer, Mayor, Village of Genoa, Town Hall, 509 Main Street, Genoa, Ohio 43430.</p>				
Ohio	(V), Oak Harbor, Ottawa County	Portage River	About 1.5 miles downstream of Locust Street About 1,300 feet upstream of Norfolk and Western Railway	*579 *580
<p>Maps available for inspection at the Mayor's Office, Municipal Building, 146 Church Street, Oak Harbor, Ohio.</p> <p>Send comments to Honorable Willard Bloom, Mayor, Village of Oak Harbor, Municipal Building, 146 Church Street, Oak Harbor, Ohio 43449.</p>				
West Virginia	Belle, town, Kanawha County	Kanawha River	Downstream corporate limits Upstream corporate limits	*602 *603
<p>Maps available for inspection at the Town Offices, Dupont and 11th Street, Belle, West Virginia.</p> <p>Send comments to Honorable Rudy Seacrist, Mayor of Belle, 1100 Dupont Avenue, Belle, West Virginia 25015.</p>				
West Virginia	Nitro, city, Kanawha and Putnam Counties	Kanawha River	Downstream corporate limits East Nitro Bridge (upstream) Upstream corporate limits	*586 *588 *589
		Armour Creek	Downstream corporate limits Escoc Drive (upstream) Interstate 64 (upstream) 3rd private road (upstream) Upstream corporate limits	*585 *589 *592 *604 *624
		Blakes Creek	Confluence with Armour Creek Third Avenue (upstream) South 21st Street (upstream) Private road (upstream)	*586 *590 *598 *604
<p>Maps available for inspection at the City Hall, 20th Street and Second Avenue, Nitro, West Virginia.</p> <p>Send comments to Honorable Art Ashley, Mayor of Nitro, City Hall, 20th Street and Second Avenue, Nitro, West Virginia 25143.</p>				

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

Issued: June 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18206 Filed 6-19-81; 8:45 am]

BILLING CODE 6718-03-M

## FEDERAL MARITIME COMMISSION

## 46 CFR Part 510

[Docket No. 80-44]

### Licensing of Independent Ocean Freight Forwarders Publication of Applications

**AGENCY:** Federal Maritime Commission.

**ACTION:** Discontinuance of proposed rulemaking.

**SUMMARY:** On July 7, 1980, the Federal Maritime Commission published a notice of proposed rulemaking (45 FR 45599) to eliminate the requirement of publishing in the *Federal Register* notice of the filing of applications for independent ocean freight forwarder licenses. After full consideration of the issues and comments from interested parties, the Commission has decided not to adopt the proposed rule.

**DATE:** June 22, 1981.

## FOR FURTHER INFORMATION CONTACT:

Jeremiah D. Hospital, Chief, Office of Freight Forwarders, Federal Maritime Commission, Room 10105, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5843.

**SUPPLEMENTARY INFORMATION:** This proceeding was instituted by Notice of Proposed Rulemaking, published on July 7, 1980, to eliminate from section 510.6 of the Commission's General Order 4 (46 CFR 510) the requirement of publishing in the *Federal Register* notice of the filing of applications for independent ocean freight forwarder licenses. Section 510.6 currently reads as follows:

*510.6 Publication of applications:*

After application has been filed, the Commission shall cause to be published in the *Federal Register* a notice of the filing of each application, stating the name and address of the applicant and if the applicant is a corporation, association, or partnership, the names of the officers or members thereof. Parts 1 and 2 of the application shall be

public information and available for inspection at the office of the Commission in Washington, D.C.

In its Notice of Proposed Rulemaking, the Commission stated that there is no statutory requirement for such publication in the *Federal Register* and that the rule requiring such publication had been adopted to allow interested parties to comment on the eligibility of applicants for independent ocean freight forwarder licenses. The Commission also stated that, since interested parties seldom commented on such applications and in an effort to eliminate an apparently unnecessary regulation and to improve cost-effectiveness, it was proposed to delete the *Federal Register* notice requirement.

The proposed rulemaking generated four comments. Two individual forwarders and one forwarder association (I.C. Harris & Company, Arthur J. Fritz & Co., and the Customs Brokers and Forwarders Association of



Miami, Inc.) oppose deletion of the Federal Register notice of applications.

In general, those commentators believe that application notices in the Federal Register constitute an important source of information which enables the freight forwarder industry to monitor prospective entrants into the industry. Those commentators point out that the notice requirement serves to protect the integrity of the ocean freight forwarder profession by enabling knowledgeable individuals to inform the Commission of facts concerning the eligibility of particular applicants, which facts may not otherwise come to light, but which would be of value to the Commission in processing applications for licenses.

As to the issue that few comments have been received as a result of the notice requirement, one of the commentators explained that most applicants have established themselves through years of experience while in the employ of other freight forwarders and may be worthy of entrance into the profession under their own licenses. Such applicants naturally would not generate comment. It is only in the case of the odd applicant who, perhaps unknown to the Commission, should not be granted a license that the notice requirement serves its intended purpose. The commentator also points out that it is important just to have the opportunity to inform the Commission concerning applicants for licenses.

The fourth and final commentator, the National Customs Brokers & Forwarders Association of America, Inc., did not object to the proposal *per se*. However, it recommended that the same information currently published under the notice requirement be made available to it so that it has an opportunity to furnish information, when available, that may be helpful in the processing of applications.

After thorough consideration of the comments received, it is the Commission's belief that the proposal to eliminate the publication of applicants in the Federal Register should not be adopted and that any alternate method of making this information available to the public would place a greater burden upon the staff. Accordingly, this proposed rulemaking proceeding will be discontinued.

Therefore, it is ordered, That the proposed rulemaking in Docket No. 80-44 (45 FR 45599, July 7, 1980) is hereby discontinued; and

It is further ordered, That notice of this Order be published in the Federal Register.

By the Commission:

Joseph C. Polking,  
Acting Secretary,

[FR Doc. 81-16421 Filed 6-19-81; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR—Parts 2, 21, 87, and 90

[Gen. Docket No. 79-188; RM-3247]

#### Allocation of Spectrum for the Use of Radio in Digital Termination Systems

**AGENCY:** Federal Communications Commission.

**ACTION:** Extension of time for filing oppositions to petitions for reconsideration of Final Rule.

In the matter of Amendment of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of digital communications services; Order extending time for filing oppositions to Petitions for Reconsideration.

**SUMMARY:** The Commission extends the dates for filing oppositions to three of the petitions for reconsideration of the First Report and Order in Docket 79-188 allocating spectrum for Digital Termination Systems and establishing the Digital Electronic Message Service using DTS. The three petitions of interest were filed by the National Academy of Sciences, the People of the State of California and the Public Utilities Commission of the State of California and the Contemporary Communications Corporation.

**DATE:** The filing date for oppositions to the three petitions for reconsideration has been extended 11 days. Oppositions to these petitions shall be filed on or before 23 June 1981.

**ADDRESS:** Federal Communications Commission, 1919 M St., NW., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** J. Bertron Withers, Jr., Policy and Management Staff, Office of Science and Technology (202) 653-8100, Room 7002.

*Commissioner Dashbach dissents. I would delete the requirement that filing of applications for independent ocean freight forwarders licenses be published in the Federal Register and would instead adopt the proposal of the National Customs Brokers and Forwarders Association of America, Inc. that a monthly list of such applications be furnished to interested parties by the Commission on a subscription basis.*

#### Order Extending Time for Filing Oppositions to Petitions for Reconsideration

Adopted: June 10, 1981.

Released: June 11, 1981.

By the Commission:

In the Matter of Amendment of Parts 2, 21, 87, and 90 of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of digital communications services; General Docket No. 79-188 RM-3247.

1. The Chief Scientist notes that five petitions for reconsideration of the First Report and Order in the above-captioned matter have been filed with the Commission. The Public Notice of the filing of three of these petitions—by the National Academy of Sciences, the People of the State of California and the Public Utilities Commission of the State of California (California), and Contemporary Communications Corporation—was published in the Federal Register on 28 May 1981 (46 FR at 28742).<sup>1</sup> The other two petitions for reconsideration were filed by Local Digital Distribution Company and Satellite Business Systems, and the Public Notice thereof was published in the Federal Register on 8 June 1981 (46 FR at 30391).<sup>1</sup>

2. Pursuant to Section 1.429(f) of the Commission's Rules and Regulations, 47 CFR Section 1.429(f), oppositions to these petitions must be filed within 15 days after notice of their filing has been published in the Federal Register. At present, oppositions to the above petitions must be filed by 12 June 1981 for the first three petitions, and by 23 June 1981 for the latter two. It would be desirable in terms of administrative efficiency and public convenience that parties submit their oppositions as part of a single filing. However, as the deadlines for filing are presently set, a party filing a single opposition addressing itself to issues raised both by a party whose petition was among the first three published in the Federal Register and by a party whose petition was one of the second two published in the Federal Register would be allowed only until the 12 June 1981 deadline. The Commission desires to gather as thorough and meaningful a record on the contested issues as is practicable. At the same time, we wish to do so in a most administratively efficient and convenient manner. We believe that having a single deadline for filing

<sup>1</sup> Editorial Note: The petitions for reconsideration appeared in the Notices section of the Federal Register.



oppositions to the five petitions for reconsideration would accomplish these twin goals.

3. Although we extend the filing deadline for the first three petitions to make it coincide with the deadline for the second two, our commitment to expedite our response to these petitions for reconsideration remains undisturbed. Further, we perceive no harm to any party and, in fact, believe it in the public interest to establish a single date by which all oppositions to the five petitions must be filed.

4. Therefore, it is ordered, pursuant to 0.241(d) of the Commission's Rules and Regulations, That the date for filing oppositions to the petitions for reconsideration filed in this proceeding by the National Academy of Sciences, California, and Contemporary Communications Corporation is extended for a period of 11 days from 12 June 1981. Therefore, oppositions to all petitions for reconsideration of the First Report and Order in the above-captioned proceeding must now be filed on or before 23 June 1981.

Federal Communications Commission,  
Elliot E. Maxwell,  
Deputy, Chief Scientist for Policy.

[F.R. Doc. 81-16397 Filed 6-19-81; 8:45 am]  
BILLING CODE 67-01-M

#### 47 CFR Part 67

[CC Docket No. 80-286; FCC 81-264]

#### Federal-State Joint Board; Order Inviting Comments and Suggested Information Requests

**AGENCY:** Federal Communications Commission—Federal-State Joint Board.

**ACTION:** Requests by the Joint Board for comments and proposed information requests in proceeding concerning jurisdictional separations.

**SUMMARY:** Last year the Commission established a Federal-State Joint Board to develop proposed revisions to Part 67 of the Commission's Rules concerning jurisdictional separations. The Joint Board is requesting comments from interested parties concerning a proposed list of specific issues to be considered in this proceeding. The Joint Board is also seeking comments concerning proposed changes designed to phase customer premises equipment out of jurisdictional separations. The telephone companies participating in this proceeding are also directed to provide information concerning the economic impact of this proposal. Interested parties may also submit proposed information requests to the Joint Board.

**DATES:** Comments in response to the questions set out in Appendix A to this

order are to be filed with the Commission by August 11, 1981. Interested persons may also submit suggested information requests on or before August 11, 1981. Replies to the Comments due August 11, 1981 are to be filed by August 26, 1981. Comments on the desirability of considering modifications to the Separations Manual dealing with customer premises equipment as an initial phase of this proceeding and on the plan proposed in Appendix B are to be filed on or before July 6, 1981. All telephone companies filing comments on the plan set out in Appendix B shall address the economic impact of the plan to the extent that they have relevant information. Replies to the comments due July 6, 1981 may be filed by July 20, 1981.

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

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

Adopted: June 10, 1981.

Released: June 12, 1981.

By the Federal State Joint Board.

Commissioner Lee concurring;  
Commissioner Fogarty concurring and issuing a statement.

In the matter of an amendment of Part 67 of the Commission's Rules, CC Docket No. 80-286, order inviting comments and suggested information requests.

1. In order to provide a clearer focus for this proceeding, we are inviting interested persons to submit preliminary views with respect to a list of specific questions we have tentatively decided to address in this proceeding, to suggest additional substantive questions for our consideration, to suggest factual questions for inclusion in subsequent data requests to selected parties, and to submit views with respect to certain procedural questions that must be resolved in order to structure this proceeding.<sup>1</sup>

2. All interested persons will be afforded an opportunity in the future to present more comprehensive substantive comments with respect to particular possible changes in the Separations Manual and to submit replies to such comprehensive comments of other parties. The comments in response to this Order

<sup>1</sup> Interested persons who did not file a timely notice of intention to participate may file comments in response to this order or any subsequent invitation for comments and their comments will receive full consideration. However, persons who file comments will not be required to serve copies upon persons who did not file a timely notice of intention to participate.

need not be designed to make a case for or against a particular change in the Separations Manual provisions. We are soliciting comments at this time in order to assist us in identifying possible changes that do or do not warrant consideration and in formulating procedures for the resolution of such questions. In view of the nature of the comments, we have decided to allow a relatively brief period for filing comments.

3. Persons who submit initial comments are encouraged to submit brief responses to each of the questions listed in Appendix A to this Order. In addition to responding to the questions in Appendix A, persons are encouraged to submit views with respect to the role this Joint Board could or should perform with respect to the coordination of *Separations Manual* revisions with the implementation of customer premises equipment deregulation pursuant to the Commission's *Second Computer Inquiry* decision and the development of rules for the separation of investment and expenses that will be attributable to unregulated activities from regulated activity investment and expenses that will be allocated between the federal and state jurisdictions pursuant to the *Separations Manual*. A suggested addendum to the February, 1971, edition of the *Separations Manual* is attached in Appendix B.

4. We would also like to obtain the suggestions of interested persons with respect to substantive questions that should be considered in this proceeding that may not be encompassed within the questions and proposal listed in the Appendices. Persons who submit such additional questions should include a brief explanation of the reasons for including a particular question. If the relationship between the question and an area of inquiry described in the Commission's *Notice of Proposed Rulemaking* (78 F.C.C. 2d 837 (1980)) is not self-evident, such persons should also explain their reasons for concluding that this Joint Board has been authorized to address that question in this proceeding.

5. Persons who submit comments are also encouraged to comment upon some procedural questions we will be obliged to address in order to structure this proceeding. We could receive comments upon all substantive questions at the same time and attempt to achieve a simultaneous solution of all problems that will be addressed in this proceeding. It would also be possible to divide this proceeding into two or more phases and to address different questions or clusters of questions in



different phases. Persons who submit comments in response to this order may wish to discuss the advantages and disadvantages of such alternative approaches. Comments should also address the desirability of addressing customer premises equipment before other changes to the Separations Manual through a plan such as that contained in Appendix B or some other plan.

6. If we adopt a phased approach, some questions in addition to the issues surrounding customer premises equipment might be designated for priority consideration. Persons who submit comments are encouraged to express their views with respect to relative priorities and to indicate which questions they believe could or could not be examined separately if we do choose to adopt a phased approach.

7. Interested persons may also wish to comment upon the feasibility or desirability of conducting evidentiary hearings with respect to particular questions. Although we have concluded that we need not and should not conduct full-scale evidentiary hearings with respect to all questions that will be resolved in this proceeding, it might be possible to conduct limited hearings with respect to one or more discrete questions. Persons who believe that such hearings would be desirable should indicate questions that they believe warrant hearings. Such persons may also wish to suggest methods that would enable us to use such procedures without producing an inordinate delay in the resolution of the question or creating excessive costs for participants or governmental bodies.

8. It would also be possible to provide a limited form of discovery within the context of this proceeding. Some parties have indicated in the past that they will need to obtain information from other parties in order to prepare comprehensive substantive comments. The Joint Board staff has served data requests upon selected parties in prior Joint Board proceedings in order to supplement information that is provided through the filing of comments. We will be following the same practice in this proceeding. The staff served an initial set of data requests that are directed primarily at AT&T on May 16, 1981. It should be possible to accommodate any legitimate need for additional information by permitting parties to submit suggested questions to the Joint Board staff for inclusion in the next set of data requests. This invitation should not be interpreted as creating any right to discovery within the context of a rulemaking proceeding or as limiting the

staff's discretion to omit any suggested information requests that may be repetitive, inappropriate or unduly burdensome. Parties who choose to submit suggested questions for inclusion in the next set of data requests should indicate the party or parties to whom such questions should be addressed.

9. The petition for further reconsideration, dated February 20, 1981, filed by AT&T in Docket No. 20828 proposes a substantial change in the method of implementing deregulation and detariffing of terminal equipment. The FCC plan of December 31, 1980 provides that only new and federally tariffed terminal equipment will be deregulated; other existing equipment furnished to customers would be retained as tariffed offerings subject to regulation. The FCC order would start with the existing level of terminal equipment in the plant accounts after March 1, 1982. No new additions would be made to the plant accounts, and the balance in the plant accounts would be diminished as plant is retired. A final termination date has not been established. However, there could be a number of years during which costs associated with terminal equipment would be allocated to interstate under the Separations Manual. Such a slow decline would minimize the need for state commissions to make abrupt upward adjustments in local rates to offset loss of separations support. The new proposal by AT&T could cause an abrupt termination of terminal equipment plant accounts and a corresponding abrupt termination of the separations support for local service.

10. The effect of an abrupt elimination of terminal equipment from the separations formula would be to reduce interstate revenue requirements by a substantial amount. Based upon 1979 data, the reduction in revenue requirements for the Bell System alone would be approximately \$1.3 billion. The total industry revenue requirement would be reduced by \$1.5 billion or more. Appendix A sets forth a summarization of the revenue requirement transfer by states.<sup>2</sup> Generally speaking, the reduction in interstate revenue requirements will be matched by a corresponding loss in the amount of contribution to intrastate revenue requirements. The exact effect on intrastate revenue requirement by state may vary somewhat due to differences in rate of return or due to

variations in terminal equipment. The Joint Board believes that generally terminal equipment rates are established by the various state commissions at or near the full costs of providing such equipment. For instance, see California Public Utilities Commission Decision No. 90642-dated July 31, 1979, at mimeo page 131, wherein that commission specifically denied requests of intervenors to reflect separations effects in terminal equipment rates. Thus, deregulation will result in a reduction in intrastate revenues closely related to the reduction in total revenue requirements. In addition, there may be costs transferred to the exchange operation from the state toll operation where terminal equipment costs are allocated to state toll. States differ in how they have treated this allocation, but independent telephone company settlements may be affected.

11. The amounts set forth in Attachment A to Appendix B for the change in revenue requirements have been growing at approximately 18 percent per year. It is estimated that, on a flash cut basis, interstate revenue requirement reduction for the year 1982 would be in excess of \$2.5 billion, taking the independent telephone companies into account. Such an increase in revenue requirements for intrastate service would place a heavy burden upon intrastate users in addition to the other burdens arising from recent depreciation changes, station connections expensing and extreme inflationary pressures. The Joint Board staff now invites comment on a proposed plan to phase out separations of terminal equipment in an orderly manner.

12. Even if existing terminal equipment is not deregulated under a flash cut, there may be severe dislocations if an orderly plan of separations phase out or some other appropriate plan is not adopted. The removal of existing terminal equipment from regulation may vary widely among companies. Some independent companies are moving in the direction of rapid detariffing of terminal equipment through sale of existing equipment to customers and by not offering new equipment under tariff to customers. Likewise, state regulatory agencies, in some cases, are taking steps to deregulate terminal equipment in advance of the effectiveness of the FCC orders. Thus, even if full deregulation is delayed, many segments of the industry may still be deregulated at an early date. With the terminal equipment plant balance reduction occurring at varying rates among companies, a distortion in

<sup>2</sup> Appendix A is based on material furnished by AT&T to NARUC on March 23, 1981 pursuant to request of John W. Kissel, Chairman, NARUC Staff Subcommittee on Cost Allocations, made at February, 1981 meeting in Washington, D.C.



the separations and settlements process will result. The utilities with the low balances will have lesser costs assigned to settlements while those with large balances will have larger amounts assigned to settlements. If all companies reduce terminal equipment plant balances at a uniform rate they will tend to share equally in the residual settlements which remain after all expenses are removed.

13. The Joint Board staff has prepared a proposal which would ameliorate the revenue requirement impact resulting from deregulation of terminal equipment by providing for a five year phase out and termination of the allocation to interstate of customer premises equipment in Accounts 231 and 324. No new customer premises equipment investment which may be added to those after December 31, 1981, would be allocated to the interstate operation. Under this plan, the net balances attributable to customer premises equipment on the books as of December 31, 1981 would constitute a base amount for allocation between state and interstate operations during the phase out period. Starting with January, 1982, the base amount would be reduced by one sixtieth each month, and all amounts attributable to customer premises equipment subject to allocation between state and interstate operations would terminate after 60 months. A consistent treatment would be afforded the expenses associated with customer premises equipment.

14. The staff has also examined the effects of this plan on the state and interstate revenue requirements under the current separations manual. Attachment B to Appendix B of this order prepared by the Joint Board staff illustrates the growth in assignment of non-traffic sensitive subscriber plant revenue requirements to interstate. Characteristically, there has been an 18% annual growth in the dollar amounts assigned to interstate. Because of this growth, a five year phase out of terminal equipment separations will result in a reduction in relative interstate revenue requirements but not an absolute dollar reduction. State regulators and carriers will be able to reflect such a change in intrastate rates without producing the effects upon users that would result from an abrupt shift. It should be noted that the chart on Appendix B also shows the growth in interstate assignment of Account 232, Station Connections, without the effect of expensing station connections. The FCC's recent order on expensing station connections will, of course, alter the trend. In the future, there may be other changes in the

separations of non-traffic—sensitive plant, and the proposal herein is not intended to limit such other changes. The possibility of other changes in no way detracts from the desirability of providing for a gradual phase out of customer premises equipment for separations purposes.

15. Parties to this proceeding are also invited to file comments on the proposal set forth in Appendix B and the specific implementation of that proposal as delineated in the draft addendum to the Separations Manual. In addition, to comments on the merits of this proposed plan, the Joint Board seeks information on the effects of the proposed plan on:

- A. Interstate revenue requirements;
- B. Intrastate revenue requirements;
- and
- C. Independent telephone company revenues.<sup>3</sup>

16. Although we hope that the procedure we have described will be sufficient to meet any party's need for additional information, interested persons may suggest other procedures for developing information in their comments.

17. Accordingly, it is ordered, That interested persons may file comments in response to the questions set forth in Appendix A on or before August 11, 1981. An original and four copies shall be filed with the Secretary of the Federal Communications Commission. One copy shall be filed with each State Commission Joint Board member and each designated state staff member. Replies to these comments may be filed on or before August 26, 1981.

18. It is further ordered, That all parties to this proceeding may file comments on the desirability of considering specific modifications to the Separations Manual dealing with customer premises equipment as an initial phase of this proceeding and on the plan proposed in Appendix B on or before July 3, 1981.

19. It is further ordered, That all telephone industry participants filing comments on the plan set forth in Appendix B SHALL ADDRESS the questions of economic impact set forth in paragraph 15 to the extent that such participants have information thereon. The parties MAY FILE replies to the comments due July 3, 1981 on or before July 17, 1981.

<sup>3</sup> On June 2, 1981, AT&T and the Associated Bell System Companies filed a Proposal for Revision to the Jurisdictional Separations Process in this Docket. Parties wishing to do so may comment on the AT&T plan in the context of their response to this Order. We will consider that filing as a partial response to this order. AT&T may file supplemental material in response to this order if it desires within the timetable established herein.

20. It is further ordered, That interested persons MAY SUBMIT suggested information requests for inclusion in the second set of staff data requests on or before August 11, 1981. An original shall be filed with the Secretary of the Federal Communications Commission. Three copies shall be filed with the Chief of the Common Carrier Bureau and one copy shall be filed with each designated state staff member.

Federal Communications Commission.  
William J. Tricarico,  
Secretary.

#### APPENDIX A

##### I. Questions Relating to Nontraffic Sensitive Exchange Plant

1. Should different rules be substituted for the allocation of non-traffic sensitive exchange plant that is presently allocated in accordance with the subscriber plant factor described in paragraph 23.444 of the Separations Manual?

2. If so, what formula should be used to assign or allocate such investment that falls within each of the following categories:

- (a) Terminal equipment;
- (b) Inside wiring;
- (c) Drop lines and protective blocks;
- (d) Subscriber lines that are used for both interstate and intrastate services;
- (e) WATS lines;
- (f) The non-traffic sensitive portion of Central Office Equipment Category 6.

3. Should separate designation and treatment be established for certain types of terminal equipment such as special equipment for the handicapped, other customer premises terminal equipment, coin telephones and terminal equipment used by telephone companies?

4. If different rules are substituted for the allocation of SPFed NTS plant:

- (a) Should such allocation be based in whole or in part upon relative usage?
- (b) What factors, if any, should be considered in addition to or in lieu of relative usage?
- (c) Should such rules be designed to reflect different costs, if any, resulting from interexchange use of such NTS plant?

(d) If so, how should the magnitude of such interexchange costs be ascertained?

(e) Should some portion of such plant in addition to amounts assigned interstate by unweighted relative use and/or cost causational factors be assigned to interstate service in order to ameliorate the effects upon residential subscribers or users of other local services?

(f) What adjustments, if any, should be made in the allocation of NTS plant other than customer premises terminal equipment in order to offset direct or indirect effects of the removal of customer premises equipment costs from the interstate service costs upon residential subscribers or users of other local services?

(g) If inside wiring costs are removed from interstate service costs, what further adjustments, if any, should be made in the



allocation of NTS plant other than inside wiring to offset direct or indirect effects of such removal upon residential subscribers or users of other local services?

(b) Should any usage adjustments or weighting factors be used to compensate for differences in rate structures applied to different telecommunications services (e.g., as if local and toll services were all priced either as usage sensitive or all priced as flat rate)?

(i) If so, how should the service categories be described and weighted or discounted in order to achieve that result?

5. What formula should be used to assign or allocate any station connection costs that are expensed?

6. Should any investment in non-traffic sensitive exchange plant that is directly assigned under the present Manual be allocated in some manner other than direct assignment?

7. If so, what formula should be used to assign or allocate such investment that falls within each of the following categories?

(a) Program transmission equipment and facilities;

(b) Other dedicated customer premises terminal equipment;

(c) Dedicated inside wiring;

(d) Dedicated drop lines and protective blocks;

(e) Dedicated lines or trunks between an end user premises and a Class 5 office.

8. If any non-traffic sensitive exchange plant investment is allocated upon the basis of usage (including weighted or discounted usage), should the Separations Manual be revised to provide more explicit instructions for the measurement of usage (e.g., specify 5 day or 7 day or other traffic studies)?

9. If so, what should those instructions be?

10. If the SPF factor is retained, should new instructions be included for the computation and revision of the components of that factor?

11. What instructions, if any, should be provided with respect to the measurement of usage for telephone company or OCC services other than MTS, WATS, and local exchange?

## II. Questions Relating to Central Office Equipment Category 6

1. Should the Manual specify factors, or the means of developing factors, for determining the traffic sensitive and non-traffic sensitive portions of Central Office Equipment Category 6?

2. If the precise factors are specified, should the factors that are presently used for settlements purposes be specified?

3. If other factors are to be specified, how should such factors be derived?

4. Should any equipment that is presently included within Central Office Equipment Category 6 be segregated from the traffic sensitive and non-traffic sensitive portions of Category 6?

5. If so, what equipment should be segregated?

6. What rules should be adopted to assign or allocate any such segregated equipment?

7. Should a different allocation formula or formulae be substituted for the assignment or allocation of traffic sensitive Central Office Equipment Category 6 investment?

8. If so, what formula or formulae should be used for that purpose?

9. If such investment is allocated upon the basis of usage (including weighted or discounted usage) should usage by telephone company or OCC services other than MTS, WATS, and local exchange be reflected in the usage allocation?

10. If other services are reflected, should usage for any or all of those services be weighted or discounted?

11. If toll weighting factors are applied to MTS and WATS usage for purposes of allocating traffic sensitive COE Category 6 investment, should the factors be specified in the Manual?

12. If the precise factors are to be specified, should the factors that are presently used for settlements purposes be specified?

13. If other factors are to be specified, how should such factors be derived?

## III. Other Questions

1. What revisions should be incorporated into the Manual in order to allocate revenues, investment and expenses attributable to open end access service for interstate FX and CCSA and similar interstate services to the interstate jurisdiction?

2. What provisions, if any, should be adopted to avoid or to adjust for the miscounting of usage when a call from an interstate private line is switched through a PBX to a line that is used for local exchange calls?

3. Should the Manual be revised to identify and assign or allocate central office equipment attributable to Centrex, ESSX, and other non-basic, non-toll central office services?

4. If so, what procedure should be used to segregate such investment?

5. What formula should be used to assign or allocate such investment?

6. What changes, if any, are required in the allocation of lines or trunks between Class 5 offices or between Class 5 and tandem offices in order to reflect changes in services or equipment that have occurred since the present assignment and allocation rules were adopted?

7. What changes will be required in the Separations Manual language when all customer premises equipment is removed from the rate base?

8. What changes will be required in the Separations Manual language if all inside wiring is removed from the rate base and expenses?

9. What changes, if any, will be required in rules for the assignment or allocation of investment described in Parts 2, 6, 7, 8 and 9 of Section 2 of the Manual in order to reflect suggested changes in the allocation of exchange plant investment?

10. What changes, if any, will be required in rules for the assignment or allocation of expenses in order to reflect suggested changes in the allocation of investment?

11. Should interstate costs of various interexchange services (such as MTS, WATS, FX, ENFA, etc.) be developed as a ratio of total costs or should those costs be developed on a per minute of use or some other traffic sensitive basis?

12. What other subjects should be addressed by the Joint Board in this proceeding.

## APPENDIX B

### Joint-Board Staff Proposed 1981 Addendum to the Separations Manual

#### General

This addendum to the February, 1971 edition of the Separations Manual provides for the phase out and termination of the allocation to interstate of customer premises equipment in Accounts 231 and 234. No customer premises equipment investment which may be added to those accounts after December 31, 1981 shall be allocated to the interstate operation. The plant net balances attributable to customer premises equipment on the books as of December 31, 1981 shall constitute a base amount for allocation between state and interstate operations during a phase out period of 60 months. Starting with January, 1982, the base amount shall be reduced by one sixtieth each month, and all customer premises equipment subject to allocation between state and interstate operations shall terminate after 60 months. A consistent treatment is afforded the expenses associated with customer premises equipment. The following revisions to the manual are made:

#### Section 1, Part 1

A new paragraph 11.25 shall be added as follows:

11.25 The procedures set forth herein provide for the exclusion from interstate allocation of all investments and associated reserves and expenses incurred in connection with customer premises equipment after December 31, 1981. Investments in customer premises equipment on the books as of December 31, 1981 will be phased-out over a 60-month period for allocation to interstate operations. Consistent treatment is afforded the reserves and expenses associated with phase out of the investment in customer premises equipment.

#### Section 2, Part 5

A new Section 25.3 shall be added as follows:

25.3 Phase-Out and Termination of Interstate Apportionment of Customer Premises Equipment in Accounts 231 and 234.

25.31 New Customer Premises Equipment—No portion of any investment in customer premises equipment in Accounts 231 and 234 which may be entered on the books of the company after December 31, 1981 shall be apportioned to interstate operations.

25.32 Phase-Out of Customer Premises Equipment Recorded as of December 31, 1981—The recorded investments of customer premises equipment in Accounts 231 and 234 which are on the books as of December 31, 1981 shall be assigned to the five categories set forth under Section 25.2. The amount of plant investment so determined, reduced by one-sixtieth, shall be apportioned between state and interstate operations in accord with the procedures prescribed for each category under Section 25.2 for the month of January, 1982. Each month thereafter, the base



December 31, 1981 amount shall be reduced by one-sixtieth of the base amount in each category, and the apportionment between state and interstate operations shall be made in a similar manner. After sixty months the amounts in each category will be reduced to zero, and no apportionment of any customer premises equipment to interstate operations shall thereafter be made.

#### Section 2, Part 9

The following sentence shall be added to Paragraph 29.11:

Starting with January 1, 1982 any amounts included in Account 122 associated with Customer premises equipment shall be excluded from the amounts which are allocated to the interstate operation.

#### Section 4, Part 2

A new Section 42.55 shall be added as follows:

##### 42.55 Phase out and termination Provision.

42.551 No portion of any maintenance expense in Account 605 associated with repairs of customer premises equipment in Accounts 231 and 234 incurred after December 31, 1981 shall be apportioned to interstate operations.

42.552 The recorded maintenance expense in Account 605 associated with repairs of customer premises equipment in Accounts 231 and 234 for the month of December, 1981 shall be used as a base in connection with the phase out of interstate allocation of customer premises equipment. For the month of January, 1982 such base amount shall be reduced by one-sixtieth and apportioned among the operations in accordance with the procedures set forth above in paragraphs 42.521 through 42.542, as applicable. Each month thereafter, the base amount shall be reduced by one-sixtieth of the base amount, and the apportionment of such reduced amount among the operations shall be made in a similar manner. After sixty months the base amount will be reduced to zero, and no apportionment of customer premises equipment maintenance expense to

interstate operations shall thereafter be made.

#### Section 4, Part 3

A new Section 43.112 shall be added as follows:

43.112 Depreciation expense associated with customer premises equipment in Accounts 231 and 234 for the month of December, 1981 shall be expressed as a ratio to the plant in these accounts as recorded for December 31, 1981, and such ratio shall be applied to the phase-out of plant in these accounts as described in Paragraph 25.32 in accord with the procedure in Paragraph 43.12.

#### Section 4, Part 7

The following sentence shall be added to Paragraph 47.211:

The wage portion of maintenance expense related to maintenance of customer premises equipment shall be determined in a manner consistent with the phase-out of maintenance expense provided in Section 42.55.

#### Section 5, Part 1

A new paragraph 51.22 shall be added as follows:

51.22 The depreciation reserve associated with customer premises equipment in Accounts 231 and 234 shall be determined as of December 31, 1981 as a base for the phase out of customer premises equipment in those accounts. Starting with January, 1982 such base amount shall be reduced by one-sixtieth each month.

#### Glossary

The following definition shall be added: Customer Premises Equipment—Items of telecommunications terminal equipment in Accounts 231 and 234, such as telephone instruments, data sets, dialers and other supplemental equipment, and PBX's, which are located on customer premises. Excluded from this classification are similar items of equipment located on telephone company premises and used by the company in the normal course of business as well as public telephones and related equipment.

### Estimated Effect of Removal of Customer Premises Equipment<sup>1</sup> From Separations

Bell System, year 1979 (in millions)

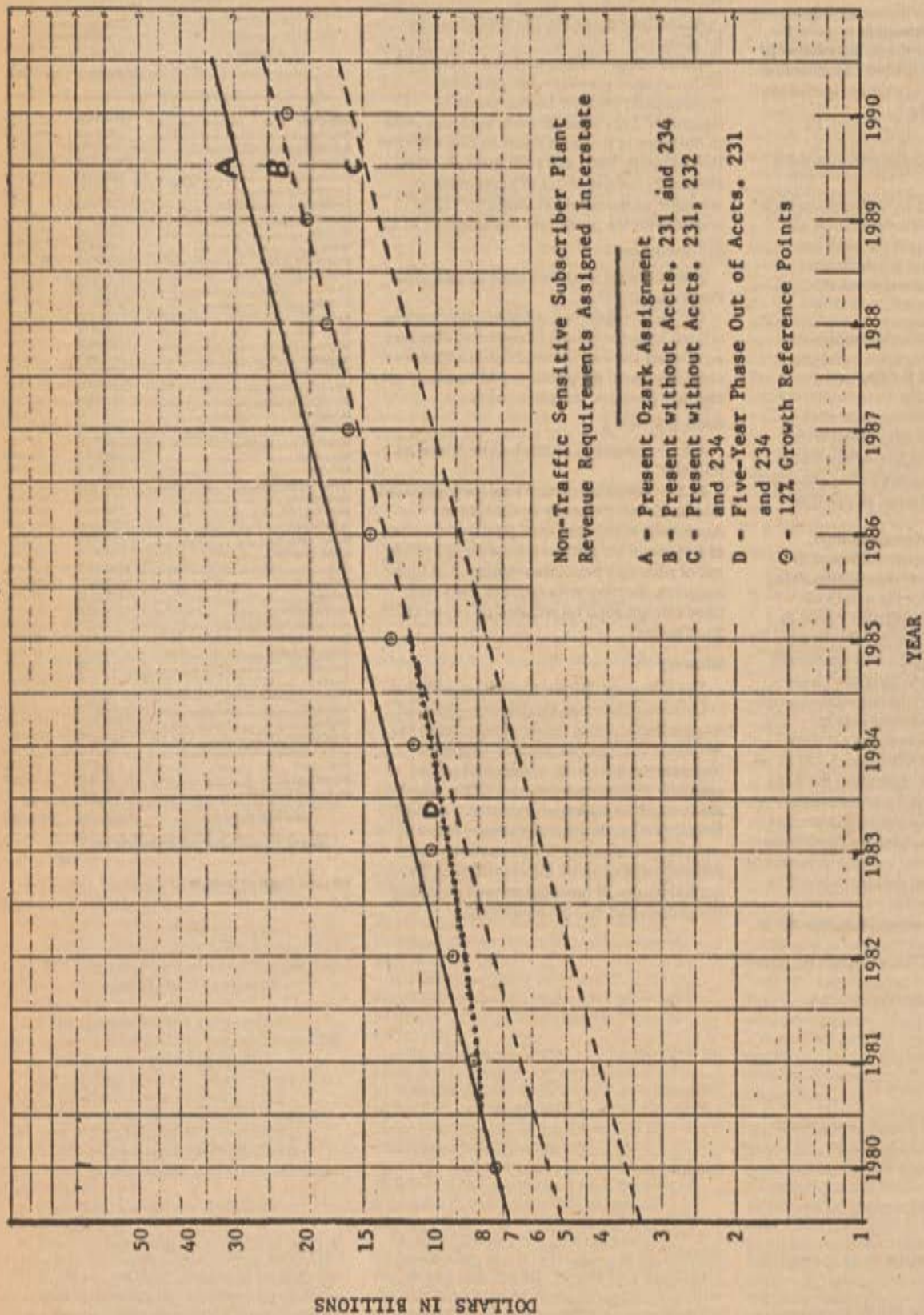
State	Change in revenue requirements	
	Interstate	Theoretical State toll
Alabama	(\$14,340)	(\$7,220)
Arizona	(30,310)	(6,730)
Arkansas	(8,770)	(5,950)
California	(141,860)	(191,280)
Colorado	(38,050)	(11,550)
Connecticut	(24,710)	(12,260)
Delaware	(5,530)	(720)
Florida	(68,120)	(27,540)
Georgia	(35,000)	(13,220)
Idaho	(6,420)	(3,720)
Illinois	(72,600)	(21,700)
Indiana	(17,630)	(8,040)
Iowa	(13,220)	(9,030)
Kansas	(13,920)	(9,020)
Kentucky	(9,950)	(4,920)
Louisiana	(18,990)	(12,000)
Maine	(6,000)	(4,750)
Maryland	(23,480)	(5,950)
Massachusetts	(45,820)	(27,880)
Michigan	(30,880)	(30,880)
Minnesota	(20,830)	(8,950)
Mississippi	(12,340)	(7,440)
Missouri	(30,390)	(12,050)
Montana	(6,070)	(4,740)
Nebraska	(8,950)	(3,280)
Nevada	(8,310)	(1,270)
New Hampshire	(8,980)	(3,450)
New Jersey	(67,950)	(58,060)
New Mexico	(8,190)	(3,350)
New York	(135,680)	(42,280)
North Carolina	(15,480)	(11,310)
North Dakota	(3,740)	(2,520)
Ohio	(36,430)	(19,660)
Oklahoma	(20,230)	(11,970)
Oregon	(15,240)	(9,730)
Pennsylvania	(44,790)	(25,040)
Rhode Island	(6,500)	(1,710)
South Carolina	(10,400)	(5,180)
South Dakota	(4,200)	(2,690)
Tennessee	(18,020)	(7,750)
Texas	(76,210)	(67,800)
Utah	(8,820)	(3,790)
Vermont	(4,400)	(1,930)
Virginia	(27,090)	(11,030)
Washington	(21,940)	(12,500)
West Virginia	(6,770)	(3,990)
Wisconsin	(13,870)	(8,570)
Wyoming	(6,780)	(3,160)
District of Columbia	(21,900)	0
Total Bell System	(1,296,020)	(769,860)

<sup>1</sup> Message portion of accounts 231 and 234.

BILLING CODE 6712-01-M



## ATTACHMENT B to Appendix B



BILLING CODE 4712-01-C



**Statement of Commissioner Joseph R. Fogarty**  
**In Re: Amendment of Part 67 of the**  
**Commission's Rules**

I strongly endorse the order of the Joint Board in which we seek comment on questions developed by the Joint Board staff as well as comment on the staff proposal for a five-year phase-out of customer premises equipment (CPE) and AT&T's plan for the revision of the separations process. By obtaining comment on the broad range of issues contained in both the staff and AT&T proposals, the Joint Board should be able to proceed much more expeditiously and with greater direction than it has been able to do thus far.

Unfortunately, this rapid progress may be hampered by the Federal Communications Commission's failure to recognize the infeasibility of the March 1, 1982 CPE deregulation date established in the *Second Computer Inquiry*, 77 FCC 2d 384 (1980). I agree with Commissioners Edward Larkin and Edward Burke that the time has come for the Commission to realize the impracticality of the March 1982 deadline and to take appropriate action to begin to plan for the orderly deregulation of CPE. It was to this end that on March 11, 1981, in a Memorandum to Chairman Lee, I proposed the formation of a task force whose task would be to develop proposals for a uniform strategy regarding the implementation of the *Computer II* decisions and other recent FCC orders. This task force would operate under the auspices of the FCC Office of Plans and Policy and the Common Carrier Bureau and be aided by an experienced consultant with the broad historical perspective so lacking in many of our deliberations.

So far, no action has been taken on my proposal. Our policy is still in disarray. I again urge the Commission to promptly form a planning task force. The quandary faced by the Joint Board in this proceeding demonstrates the urgent need for this group to develop a coherent policy. Both the Joint Board and the states have the right to receive the direction that such a policy would give. The Commission cannot afford to delay any longer.

[FR Doc. 81-18513 Filed 6-19-81; 8:45 am]  
 BILLING CODE 6712-01-M

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 192 and 195

[Docket No. PS-69; Notice 1]

#### Transportation of Natural and Other Gas and Hazardous Liquids by Pipeline; Line Markers at Navigable Waterways

**AGENCY:** Materials Transportation  
 Bureau (MTB).

**ACTION:** Advance Notice of Proposed  
 Rulemaking.

**SUMMARY:** This notice invites comments  
 on the problem of interference with

underwater pipeline crossings of navigable waterways, the benefits of installing line markers at these crossings, and the size of markers to be used. Comments received may result in publication of another notice proposing specific changes to existing line marking rules, with further opportunity for public comment.

**EFFECTIVE DATE:** Interested persons are invited to submit written comments on this notice before August 6, 1981. Late filed comments will be considered so far as practicable. All interested persons must submit as part of their written comments all the material that they consider relevant to any statement of fact made by them.

**ADDRESS:** Communications should be sent to the Dockets Branch, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590. All comments and docket materials may be reviewed in the Dockets Branch, Room 8426, between the hours of 8:30 a.m. to 5:00 p.m. each working day.

**FOR FURTHER INFORMATION CONTACT:**  
 Ralph T. Simmons, 202-426-2392  
 regarding the content of this notice, or  
 the Dockets Branch, 202-426-3148,  
 regarding copies of this notice or other  
 information in the docket.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

MTB is reviewing the requirements of §§ 192.707 and 195.410 that line markers be installed at underwater pipeline crossings of navigable waterways. The review is being conducted in accordance with Executive Order 12291 as part of MTB's program to review existing regulations and revoke or revise those that are not achieving their intended purpose.

Markers historically have been installed by pipeline companies at the shorelines of underwater crossings of navigable waterways, and this practice became mandatory for gas pipeline under § 192.707 and for interstate liquid pipelines under § 195.410. The waterway crossings are marked to notify persons conducting marine activities (e.g., pile driving, anchoring, or dredging from a barge or land-based equipment) of the presence of an underwater pipeline, and, thus, to reduce the likelihood of interference with the pipeline. For this reason, markers are required to bear the words "Do Not Anchor or Dredge."

Two problems are apparent with the current rules. First, the term "navigable waterway" is not defined in the rules, and while MTB has applied the Coast Guard's interpretation of this term (33 CFR Part 2), this interpretation may be broader than in reasonably necessary to

assure safe pipeline crossings. As a result, the current rules may require markers where there is little or no susceptibility to damage from marine activities, for example, at minor stream crossings which have no vessel traffic and where dredging is unlikely to occur.

The second problem involves the size of line marking signs that must be installed. The rules for gas pipelines require that signs be visible and legible from vessels that could interfere with the pipeline. At wide crossings of lakes or rivers, extremely large signs must be used to ensure visibility (not to mention legibility) from any channel that lies far from shore. Of course, as the crossings get wider, so must the signs be larger, until a point of impracticality or strong environmental objection is reached. While the rules for liquid pipelines are not as definite, similar compliance problems obviously exist. At the same time, if large signs are not installed at wide crossings, then portions of these crossings that may be the ones most susceptible to damage would go unprotected by warning signs.

The Technical Pipeline Safety Standards Committee has on two occasions considered the need for line markers at navigable waterway crossings. At a meeting on December 5, 1978, the Committee recommended that the term "navigable waterway" be narrowly defined to avoid having to install markers where they would be of little benefit. Although the Committee did not propose a definition, it believes that current standards now require markers at water crossings where there may be little or no likelihood of damage to pipelines.

The Technical Committee also recommended that markers not be required at waterways where channel boundaries are marked by aids to navigation and the Corps of Engineers maintains charts which show utility crossings. The U.S. Coast Guard requires pilots of vessels to have available, on the vessel, current copies of these charts, and the Committee reasoned that markers are not needed to prevent pipeline damage where channels are well marked and charts showing utility crossings are available to pilots and dredging contractors. Further, the proposal was intended to practically eliminate the burden of having to install billboard-size signs that are large enough to be seen and read from river channels that are long distances from shore.

In a later meeting on June 17, 1980, the Committee again informally discussed the need for line markers at navigable waterway crossings. Although no



recommendations were made, many members doubted whether significant safety benefits are derived from markers at waterway crossings in view of the apparently low potential for accidents and questionable effectiveness of markers in preventing accidents. One member of the Committee pointed out that signs are useless in times of fog and other times when they can't be seen (e.g., at night), and, thus, they are only a part-time solution to the problem.

MTB has received waiver petitions from Tennessee Gas Pipeline Company (79-3W), East Tennessee Natural Gas (79-5W), Midwestern Gas Transmission (79-4W), and the Northern Natural Gas Company (80-1W). The petitioners requested that MTB grant them a waiver from compliance with the provisions of § 192.707(a) for all of their pipeline crossings of rivers, streams, and inland waters which do not have either of the following characteristics: (1) U.S. Coast Guard aids to navigation; or (2) regularly scheduled commercial traffic.

The petitioners stated that since MTB's regulations do not define the meaning of navigable waters, and since new laws and Court rulings have extended the meaning of "navigable waterways" to "any head waters capable to floating a canoe, bateau, or log," markers are required on thousands of pipeline crossings of streams and tributaries where there is no possibility of damage from anchors or dredging. (It should be noted that a permit for dredging in navigable waterways must be obtained from the Corps of Engineers, and obstructions to dredging (such as pipelines) are noted on the permit.)

Tennessee Gas Pipeline Company stated that it would cost them in excess of \$8,000,000 to install signs at all navigable water crossings on their system. East Tennessee estimated their cost as at least \$600,000.

Because these petitions for waiver do not relate to unique circumstances and they raise issues germane to all regulated pipeline companies, MTB is considering them as part of this rulemaking.

Another petitioner (P-10), the Interstate Natural Gas Association of America, has requested that MTB amend Part 192 to establish a definition of "navigable waterways" that would limit the installation of markers to waterways that have either Coast Guard aids to navigation or vessel traffic that could damage the pipeline. This request is consistent with the waiver petitions discussed above, in that markers would be required only where there is potential for anchor damage. However, it is somewhat at odds with the Technical Committee's view that marking would

be of little benefit where channels are marked and Corps of Engineers' charts showing utility crossings are available. Also, the proposal seemingly disregards the potential problem of damage from dredging or other sources not connected with an existing main channel.

The petitioner goes on to recommend that a maximum letter size of 12 inches be adopted to limit the size of signs that must now be installed to ensure visibility from channels on wide river crossings. While these markers might guard against near-shore activities, no steps were recommended to guard against damage from faraway vessels on wide crossings.

#### Review Determination

So far, MTB's review had determined the following: First, although markers have been traditionally, and now mandatorily, placed at waterway crossings to warn persons of the presence of underwater pipelines, there is no empirical information available to demonstrate whether and under what conditions markers are effective in reducing the frequency of accidents. Indeed, such information would be extremely difficult and costly to obtain. Also, considering that (1) markers are visible only part of the time, and (2) markers of reasonable size are not readily distinguishable from distant channels (as on lakes), markers may be expected to have only limited effectiveness at best.

Secondly, although the frequency of accidents is unknown, the consequences of accidents that have occurred have not been severe in terms of deaths and injuries. From 1970 through 1979, there were 26 accidents reported on gas pipeline crossings caused by marine activities, resulting in no deaths and 3 injuries (occurring in one incident). Between 1968 and 1977, there were only 16 marine-activity related accidents on liquid pipelines, and no deaths or injuries were reported. [MTB's statistics do not tell whether these accidents occurred in spite of line markers, or how many, if any, accidents were avoided due to properly marked crossings.]

Finally, even in the absence of a complete cost study, the information supplied by Tennessee Gas shows that compliance with the existing requirements for water crossings that might be classed as navigable is very costly for the industry.

Given this combination of high costs to achieve potentially minor benefits and regulations that may be unreasonable to apply in every instance and probably have only limited effectiveness, clearly some rule change is in order. MTB is considering either

deletion of the requirements to mark waterway crossings or revision so that only those crossings are marked where there is a reasonable relation between cost and potential benefit.

#### Alternatives

MTB has identified the following alternatives to consider in deciding what, if any, rulemaking action is to be taken.

1. Continue the present rules that line markers be placed at all crossings of waterways capable of floating a canoe, bateau, or log, in a size large enough to be discerned from vessels in a channel.

2. Require line markers only at crossings of rivers or other bodies of water which carry potentially damaging vessels or where channel dredging and commercial dredging (such as oyster shell dredging) is commonly performed, but place a reasonable limit on the size of signs. This alternative might exempt waterways where channels are marked by aids to navigation and the Corps of Engineers maintains utility crossing maps from the requirement that markers be noticeable from channels.

3. Require all future underwater pipelines and the replacement of any existing underwater pipelines to be placed deep enough underneath the waterway bed to avoid foreseeable potential damage (rather than being dredged or bridged and layed on or near the existing bed of the waterway). In this case, existing pipeline crossings would be marked according to alternative 1, 2, 4, or 5.

4. Revoke the present requirements for line markers at navigable waterways. In this case, safety would be regulated by other existing DOT requirements, such as depth of burial, by "one-call" damage prevention programs, or by Coast Guard and Corps of Engineer requirements discussed above.

5. Use lights or buoys for line markers in place of signs; or use a combination of lights, buoys, and signs.

#### Cost/Benefits

Where MTB does not have sufficient information about the first alternative to make a firm estimate of the cost to industry of installing line markers at all navigable waterway crossings not now marked, using the information contained in the petitions of Tennessee Gas Pipeline Company and East Tennessee, MTB estimates that it would cost industry approximately \$100,000,000 if the first alternative is adopted.

Even though the majority of reported accidents involving underwater pipelines has occurred in areas where line markers are required, it cannot be



concluded from this information whether or to what extent markers are effective in preventing accidents. It seems reasonable, however, that little, if any, benefits would be achieved by continuing to require line markers in areas where there is little possibility of pipelines being damaged by marine activities.

The second alternative would essentially amount to maintaining the status quo from a compliance standpoint, since, at present, most line markers are placed at such locations. Therefore, there would be little, if any, cost impact to industry if markers were required only in areas of identifiable potential damage. MTB does not have any information that indicates that there would be any decrease in benefits from so restricting the present requirements. More significant, however, MTB lacks information to demonstrate the potential benefits of marking, and speculative benefits may not justify even the restricted marking requirement proposed by alternative number two.

As for the third alternative, MTB expects the cost of installing pipelines deeper under river beds than currently required would far exceed the cost of installing and maintaining line markers. While this alternative would have the benefit of a higher level of protection against damage, it is speculative whether a higher level is needed as a general rule or, moreover, whether even the protection afforded by markers is needed.

The fourth alternative would delete the present requirements for line markers at waterways, and, depending on the reaction of industry, could eliminate the cost of installing and maintaining line markers at waterway crossings or have no effect on the current costs of marking. The benefit of this alternative cannot be accurately assessed since the benefits of the current rule are unknown or speculative. If it is assumed that some markers are beneficial, their removal would have a negative impact, perhaps greater than the savings in cost. If it is assumed, however, that in the absence of a Federal rule, most pipeline companies would voluntarily maintain line markers in critical areas where most benefits may exist, revocation of the current rule would have little, if any, negative impact on current benefits. On the other hand if markers have little or no benefits, their removal would not cause a decrease in benefits while saving maintenance and replacement costs.

As for the fifth alternative, MTB does not have any information about the effectiveness, cost, or benefit of marking

a crossing by means other than shore-side signs.

#### Request for information

To help MTB decide which alternative to choose, interested persons are invited to participate in this rulemaking by answering the following questions and submitting any substantiating information:

1. Under what circumstances, if any, does the potential for interference with underwater gas or liquid pipeline crossings constitute a threat to public safety?

2. If there is a threat to public safety—  
(a) How should the crossings where a threat exists be defined? (e.g., crossings might be defined as all pipelines at all waterways, or only highly volatile liquid pipelines at crossings subject to commercial vessel traffic.)

(b) Considering the several types of activities that cause damages, are shore-side line marking signs an effective way to protect crossings against the threat of interference? If so, what evidence is there to demonstrate their effectiveness (or non-effectiveness)? If signs are not effective, would the alternative of buoys or lights be effective?

(c) Should line markers (signs, buoys, or lights) be required even though any one or a combination of protective measures other than markers are in effect; specifically, deeper burial, operator participation in a "one-call" or similar type of damage prevention program, regulation of dredging by the Corps of Engineers, or pilots' use of Corps of Engineers' charts? What would be the impact if existing markers were removed?

(d) Assuming that the largeness of a line marking sign sets a practical limit on its usefulness—

(i) How far from shore should a sign be recognizable by shape and color?

(ii) How far from shore should a sign be legible?

(iii) Should the recognition and legibility distances be based on the naked eye or the use of binoculars?

(e) If a threat to public safety exists on a portion of a crossing that lies beyond the practical limits of sign recognition, how should this portion of the crossing be protected? If this threat were the only one on the crossing, should shore-side signs be installed, nonetheless? If so, what size signs should be used and what benefits would they have?

(f) What would be the cost of installing individual signs of different sizes and their maintenance cost, if alternative one is adopted? If alternative two is adopted?

3. In the absence of a regulation, would line markers be voluntarily installed or maintained? If so, where and why?

4. Which of the alternatives suggested by MTB would have potential benefits to society that outweigh the potential costs? Are there other alternatives not suggested by MTB? If so, what are they and what would be their costs and benefits?

5. What would be a reasonable estimate of cost for a typical incident of damage to an underwater pipeline, including any costs that might occur from pollution or environmental damage?

(49 U.S.C. 1672; Sec. 203, Pub. L. 96-129, 93 Stat. 1004 (49 U.S.C. 2002); 49 CFR 1.53, Appendix A of Part 1 and Appendix A of Part 106)

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

Melvin A. Judah,

Acting Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

(FR Doc. 81-10452 Filed 6-22-81; 8:45 am)

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## INTERSTATE COMMERCE COMMISSION

### 49 CFR 1201

[Docket No. 36988]

#### Alternative Methods of Accounting for Railroad Track Structures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Interstate Commerce Commission proposes to change its method of accounting for track structure from Retirement-Replacement-Betterment (RRB) to ratable depreciation accounting. The objectives in changing methods of accounting for track are to improve reporting of the loss in service potential resulting from the use of track assets, to improve the quality of reported earnings through better matching of revenues and expenses and to make financial reports comparable with other industries.

**DATE:** Written responses and accompanying data should be filed with the Commission on or before August 6, 1981.

**ADDRESS:** An original and 10 copies, if possible, of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:** Bryan Brown, Jr. (202) 275-7448.



**SUPPLEMENTARY INFORMATION:****Background**

The Commission is reexamining the current use of Retirement-Replacement-Betterment accounting (RRB or betterment accounting) in light of (1) the 4/30/76 petition by the Department of Transportation (DOT) to consider revision of the accounting for existing railroad track structure, and (2) the adoption of depreciation accounting to track structures by five railroads in reports to the Securities and Exchange Commission (SEC) and to the public.

RRB accounting for railroad track assets has been used by railroads since prior to the adoption of the first Uniform System of Accounts. Under RRB, the initial track installation cost is capitalized. This investment is not depreciated and remains in the property investment account until the track is abandoned under the theory that the track structure is maintained in a constant condition and depreciation expense would equal track maintenance costs. Instead of depreciation, track replacements are accounted for as track maintenance expenses, except if through the application of superior component parts (such as replacing 110-lb. rail with 132-lb. rail) a betterment occurs. In that instance, the excess cost of new parts over the current cost of new parts of the kind replaced is capitalized.

RRB accounting is used solely by the railroad industry. Consequently, the Commission has been consistently criticized for not using depreciation accounting similar to other industries. No pronouncement of either the former Accounting Principles Board or Financial Accounting Standards Board has ever proclaimed RRB accounting as a generally accepted accounting principle (GAAP), although it received some support from the American Institute of Certified Public Accountants' Committee on Relations with the Interstate Commerce Commission. This has created a long standing debate on whether RRB accounting is consistent with GAAP. If ratable depreciation accounting were adopted, this would eliminate a major alleged difference between ICC and GAAP accounting which has been a goal of the Commission for some time.

The Bureau of Accounts conducted an informal conference on 2/15/78 and 2/16/78 in Docket No. 36557, as an initial step in reopening the subject of depreciation vs. betterment accounting for railroad track structures. In our Notice of Study served 10/26/78, and published in the *Federal Register* (43 FR

50717) 10/31/78, we announced the beginning of a general study to consider the adoption of ratable depreciation accounting to replace RRB in accounting for railroad track. In 1977, the Bureau of Accounts studied the track depreciation methodologies of three railroads (Chicago & North Western Transportation Company, Consolidated Rail Corporation and Illinois Central Gulf Railroad Company) which followed depreciation accounting in their annual reports to stockholders. The 1977 study of methodologies used by the railroads raised questions on the conceptual soundness of ratable depreciation accounting and implementation problems associated with adopting it. The Notice of Study sought to provide alternatives which could be used to develop an appropriate depreciation methodology for Commission financial reporting purposes. A track depreciation methodology was developed by the Bureau of Accounts and a pilot study was performed on two railroads.

The conclusions of the pilot study which are discussed below form the basis for our proposal to replace RRB with track ratable depreciation accounting.

**Objections to RRB Accounting**

The Commission believes that RRB misstates railroad reported earnings for railroads which defer track replacements by not recognizing the loss in service potential resulting from the use of railroad track assets. In addition, RRB misstates railroad track investment by failure to recognize in the property accounts the cost of track replacements other than betterments after the initial track investment and fails to provide accounting recognition for track assets which have lost their economic usefulness.

Under RRB, expenditures on railroad track are only recognized when track components are replaced. However, railroads can defer the cost of track replacement almost indefinitely by one means or another. The track maintenance policy generally reflects availability of funds to perform track maintenance. It may also reflect the amount of economic activity—profitable traffic—over certain lines. RRB accounting fails to reflect such maintenance decisions. Ratable depreciation accounting requires that a firm account annually for the consumption of assets regardless of maintenance policy. Ratable depreciation accounting, when service lives conform to the use of the asset, better reflects asset utilization and provides a better measure of the economic consumption of the track

asset. This improves the measurement of the cost of transportation service.

Under RRB, if two railroads maintained their track at the same weight of rail, but one maintained the track more often to keep it in better operating condition, they would report the same investment in track (Although one would report greater maintenance expenditures than the other). No change in track investment occurs unless superior parts such as increased weight of rail are added to the track structure and then only the increment of cost at current prices between the two weights of rail. Consequently, the investment in track does not reflect the cost of that property to date because no cost at replacement, other than betterments, is reflected in track investment. Ratable depreciation accounting reflects the cost of programmed track replacements in track investment and thus more accurately states railroad track investment.

Under RRB, track investment is maintained at original cost plus the cost of betterments until track is retired. Consequently, no expense recognition is made for these costs until retirement. Many railroads have extensive track properties which are subject to abandonment. Betterment accounting by its nature ignores this fact in the financial statements. Ratable depreciation accounting allows these properties subject to abandonment to be written off over their estimated remaining economic life. Again, under ratable depreciation accounting, track investment is more accurately stated.

**Reasons for Delaying Consideration of Ratable Depreciation Accounting**

The Commission has been reluctant to consider adoption of ratable depreciation for tracks because of (1) anticipated adverse impact on cash railroad flow because of increased Federal income taxes and (2) problems associated with depreciation based on historical cost during periods of inflation.

One of the primary arguments against adoption of ratable depreciation accounting is its adverse effect on the railroad Federal tax liability. RRB is accepted as the primary method of computing railroad track tax depreciation allowances. Opponents of ratable depreciation accounting have argued that the continued use of RRB would be denied for tax purposes if depreciation accounting for track assets were adopted by the Commission. By deducting the current track replacement cost in the year of replacement, railroads enjoy a substantial tax



advantage over ratable depreciation accounting. On December 13, 1980, Congress passed legislation (Public Law 96-613) that would permit railroads to continue to use RRB for tax purposes even if we adopt depreciation accounting for our purposes. We can now consider whether ratable depreciation accounting should be adopted for financial reporting purposes without concerning ourselves with the tax consequences of the proposed change.

Historical cost depreciation accounting is a reliable method of matching cost with revenue. However, we must still consider the objection that depreciation based on historical cost would not adequately measure railroad earnings during periods of high inflation. A major limitation of depreciation accounting is that it compares revenues in current dollars with expenses in terms of dollars spent in the past. While the revenues and earnings of a company often increase during periods of inflation, the increases may not be real. In years that railroads maintain their track, RRB generally reflects a higher charge to operating expense for track maintenance than the ratable depreciation expenses for the same track. This results in a higher reported earnings for ratable depreciation. Generally, financial analysts judge methods which reflect the costs of inflation currently to be superior in quality of earnings to those which defer the inflationary impact of costs.

Critics of ratable depreciation accounting point to this as a reason not to change methods. We disagree. We recognize the need to provide disclosure of the current cost of operations in the financial statements and accept that RRB is closest to accomplishing that goal. However, RRB recognizes the current cost only when replacements are made so it would only coincidentally reflect the cost of operations at current prices. The Financial Accounting Standards Board (FASB) recently issued Statement No. 33, "Financial Reporting and Changing Prices," which requires companies to provide supplemental information to the historical cost financial statements on the impact of inflation. The Commission is currently studying whether to adopt similar disclosures. We plan to consider this issue along with the use of replacement cost data in revenue adequacy determinations and in rail costing in a separate proceeding. If adopted, we believe these disclosures will provide the Commission and other financial statement users with improved information over the present RRB

system relative to the impact of inflation on the earnings of a firm.

#### Reasons for Rejecting Existing Depreciation Methodologies

The ratable depreciation methodologies used by some railroads in their reports to stockholders have some common characteristics. In the railroads we have studied, a depreciation rate is determined and applied on a systemwide basis to each of the depreciable track property accounts, except "track laying and surfacing" (direct labor) which is allocated to the other track accounts. Each track component is assumed to have its own service life, independent of the track structure of which it is a part. Depreciation rates used for track components are based on the life cycle of track components experienced in the past. Physical wear and tear are the only factors considered in estimating track component lives.

In our opinion, the depreciation accounting methodology we propose is superior to the other ratable depreciation methods we have studied because:

(1) It depreciates the complete track structure rather than the track components.

We believe the track structure as a whole is the economic entity upon which railroads generate their revenues. Until assembled a track structure has no economic use. Consequently, we believe the entire track structure rather than its component parts should be depreciated.

(2) It differentiates between track density categories.

Separate track density categories such as main-line, branch and yard which are broken down by gross ton miles per mile are important indicators of track service life. Main-line track generally has a rather short life due to heavy business volumes, weight and speed of trains. Branch lines have a longer life since traffic is less dense. Yard tracks have yet a longer life since traffic density and speed are not important factors in deterioration of these tracks.

(3) It recognizes economic obsolescence in determining depreciation rates.

We believe the determination of depreciation rates should be based not just on projections about track structure physical life but also its continued economic usefulness. Railroads are required to identify those railroad line segments which are potentially subject to abandonment. Consequently, it is possible to analyze and change depreciation rates to reflect track line segments which have become economically obsolete.

#### The Proposed Depreciation Accounting System

In testing our proposed depreciation accounting system, the Bureau of Accounts found that the data needed to establish the system was readily available or could be developed with minimum effort.

Major features of the proposal include:

(1) The track structure in the aggregate will be depreciated on a straight-line basis by line segments included in defined traffic density categories.

(2) A separate depreciation rate will apply to each traffic density category. The service life of each category will be based on two factors: lives based on physical wear and tear and future economic usefulness of individual line segments of track.

(3) The physical life will reflect the composite lives of the track components (weighted by investment) considering both the use of track components (such as rail and other track material) measured in gross ton-miles and the physical life in years of ties. Railroads will decide what life to apply to each segment and a composite rate would apply to investment within each track traffic density category. The Commission would continue to exercise its approval of track depreciation rates.

(4) Track additions and labor and material associated with programmed track replacement programs will be capitalized. Overhead costs will be capitalized consistent with existing accounting rules in Instruction 2-6. Spot maintenance such as sporadic tie replacement, routine repairs of rail and tightening of other track material will be expensed. Surfacing (ballast installation) will be expensed as maintenance.

(5) Retirements, for track properties which are either replaced or abandoned, will be handled as follows:

(a) The cost of rail and other track material (OTM) replaced will be written out of the property accounts at the unit average cost of year installed.

(b) Ties replaced will be written out at the moving average cost of all ties.

A separate issue, from the problem of depreciation of historical costs during periods of inflation, is the problem of restating track property investment to a level of the last track programmed replacement. As we indicated earlier, track investment accounts are valued at original installation cost plus any subsequent betterments. This understates track investment.



Because inflation is such a significant factor today, depreciation charges based on existing track book value will be so low as not to allow maintenance of the railroads' track assets. The serious underdepreciation that would occur if no adjustment in existing track investment accounts were made would effect the ratemaking process in several ways. First, there would be a miscalculation of revenue to variable cost ratios done in connection with market dominance and rate compensation findings. Second, the calculation of the cost recovery percentage would be incorrect. Third, revenue adequacy determinations would be incorrect.

Accounting Principles Board (APB) Opinion No. 20 "Accounting Changes", requires that the "cumulative effect" of changing to a new accounting principle be included in net income of the period of the change. The "cumulative effect" is obtained by applying the new accounting principle retroactively for all prior periods. This will require that track property investment accounts be restated and accumulated depreciation accounts be established to a basis as if the newly adopted accounting principle had been applied during all periods affected. This would be a one time adjustment. It would not require a complete reaccounting but would require identification of the cost of the last track replacement. We have performed pilot studies on two railroads. We do not believe the cost would be prohibitive.

As an alternative to restating track investment, the existing investment cost could be depreciated over the estimated remaining life of the properties. When new replacements are made, the cost would be capitalized and a rate reflecting estimated service life would be applied to this investment. One serious problem with this alternative is that no accumulated depreciation account is established for retirements. When retirements occur they will be charged to an accumulated depreciation account with no balance. Consequently, the accumulated depreciation account will have a debit balance.

We prefer restatement of the track accounts as required under APB Opinion No. 20. If replacement cost data is required in revenue adequacy determinations, then restatement of track accounts will be necessary to develop a proper replacement cost dollar restated track investment cost no matter whether restatement is required in this proceeding.

If restatement is necessary, then one method of restatement is to:

(1) estimate the installation year by using a First-in, First-out (FIFO) assumption and counting back programmed tie installations until all ties would have been replaced. By pricing ties at the unit cost for each installation in each year, tie material cost can be determined. Tie labor cost can be developed by applying a unit cost to install a tie for each installation year. When the current unit labor cost to install a tie is determined then this unit cost could be indexed back to the earliest installation year.

(2) Rail and OTM can be restated by means of identifying dates of installation from rail charts or other engineering records. From Authority for Expenditure (AFE) records, track unit cost per foot can be developed and applied to current track in place to arrive at the restated cost. Rail and OTM installation labor unit cost can be developed for the current year and indexed back to the earliest year similar to tie costs.

During restatement, all railroad lines subject to potential abandonment would be restated only to the extent of the lesser of cost or net liquidation value (salvage less cost of removal) on a particular line segment. This would likely include lines in Categories 1 and 3, of a railroad's system diagram map.

We are currently studying development of a restated track investment from the use of annual report data only. This would require certain underlying assumptions about track investment. We solicit public comments on whether an adequate investment base can be developed through this method and/or other alternatives.

By whichever means we adopt, we will be, to some extent, taking care of the problem of inflation by allowing for maintenance of track, as well as the problem discussed above related to distortion of costs for ratemaking purposes. If restatement is required, we plan to audit the restated track investment base.

Comments are specifically requested on (1) whether restatement is necessary, and, if not, whether depreciation on existing track book value will provide adequate means for railroads to maintain track property, (2) whether the method of property restatement presented in this NPR is appropriate and estimates of restatement cost, or (3) whether another method may be more appropriate.

We also solicit comments on the associated subjects of the accounting for salvage and the valuation of relay rail.

1. Should track salvage be accounted for as

(a) Gross salvage (expensing cost of removal).

(b) Net salvage (net of cost of removal).

(c) A credit to an income account.

2. Should relay rail be valued at

(a) Average cost.

(b) Recorded cost.

(c) Some other basis.

We also request comments on what additional financial disclosures might be beneficial to financial statement users. We found in the February 1978 Informal Conference, for example, that security analysts use various ratios including the maintenance ratio (ratio of maintenance cost to operating revenues) in rating debt and equity securities. We plan to continue the reporting of information for the maintenance ratio in a footnote to the financial statements as well as other disclosures which would be deemed to be necessary.

This proposed rule will not significantly affect the quality of the human environment, energy consumption or small businesses.

We propose to amend Part 1201 Subpart A of the Code of Federal Regulations as outlined in Appendix A.

This revision is issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: June 10, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

James H. Bayne,  
Acting Secretary.

## Appendix A

### PART 1201—RAILROAD COMPANIES

Amend Part 1201, Subpart A, Uniform System of Accounts for Railroad Companies.

#### List of Instructions and Accounts

Under "Instructions for property accounts" the following changes are proposed:

1. Renumber as follows: 2-10 becomes 2-11; 2-11 becomes 2-12.

2. Add instruction 2-10, "Additions to and retirements of track", immediately after item 2-9, "Addition and retirements of other than units of property."

3. Revised instruction 2-13 to become "Changes in line of road and relocation of yard tracks"

Under "property accounts" the following changes are proposed:

1. Revise item 3, "Grading" to read 3 "Grading and ballast," 2. Revise item 8 "ties" to read 8 "Track-Materials and labor." 3. Delete items 9, 10, 11, and 12.



Under "regulations prescribed" the following change is proposed:

Under (ii) Definitions the following definitions are added:

(ii) Definitions \* \* \*

33. "Programmed track replacements" are costs incurred as part of a track replacement program or planned expenditures. Programmed track replacements are performed by relatively large work gangs which, on the basis of programmed, and authorized work orders, use heavy mechanized equipment to replace rail ties and other track material. For guidance on what not to capitalize, see Note C to the text of Account 8, Track—Materials and labor.

34. Spot maintenance are material and labor costs of routine track repairs such as sporadic tie replacement, repair of broken rails, tightening track bolts and track spikes. A more complete list of maintenance items are included in Note C to the text of Account 8, Track—Material and labor.

Under "instructions for property accounts," the following changes are proposed:

1. Instruction 2-7 "Additions to and retirements of property—General is amended by revising paragraph (a) and adding paragraph (e):

2-7 Additions to and retirement of property—General. (a) In accounting for additions to and retirements and replacements of road and equipment property (excluding land) used in transportation operations, such property changes shall be considered as consisting of (1) units of property, (2) other than units of property (minor items) and (3) track. A list of units of property is prescribed in Instruction 2-19. Track property changes will not be distinguished by units of property.

(e) The accounting for track additions and retirements (with and without replacement) shall be guided by instruction 2-10.

2. Instruction 2-10, Expenses in connection with additions and betterments, is renumbered Instruction 2-11 and a new instruction 2-10 is added:

2-10 Additions to and retirements of track.

(a) When track or its components are added to the plant, the cost shall be included in the track primary account. When track components other than those contained in Accounts 3 Grading and ballast, 4 Other right-of-way expenditures, 5 Tunnels and Subways and 39 Public improvements—Construction are replaced as part of a track replacement program the replacement cost shall be accounted for as an addition to the track property

account. The cost of track components included in account 8 Track—Material and Labor, which are retired with or without replacement, shall be written out of the track property account at the time of retirement.

(b) When track is retired the service value shall be charged to account 735, "Accumulated depreciation; Road and equipment property."

(c) All repairs and replacements of yard tracks shall be accounted for as operating expenses.

(d) Surfacing (ballast installation) shall be treated as maintenance. When an increase cross section of ballast is added, this cost should be added to the property investment account.

3. Instruction 2-11 "Units of property rebuilt or converted" is renumbered Instruction 2-12.

4. Existing Instruction 2-12 "Changes in line of road" and Instruction 2-13, "Relocation of yard tracks," are deleted and a new Instruction 2-13, "Changes in line of road and relocation of yard tracks" is added:

2-13 Changes in line of road and relocation of yard tracks:

(a) When changes are made in a line of road for the purpose of reducing curves or grades, or to eliminate bridges, tunnels, tracks in the installation of a centralized traffic control system, or other physical features, the part of the line so changed shall be considered property retired and its ledger value credited to the property accounts. The new line of road, including land, grading, ballast, track elements, and other transportation facilities serving the road shall be considered an addition and the cost thereof to the carrier charged to the property accounts. The cost of such track changes which do not involve change in the existing roadbed shall be charged to operating expenses, even though the tracks may be dismantled in the process, but the resulting track extensions or reductions shall be accounted for as additions or retirements, as appropriate.

(b) The cost of shifting or rearranging tracks within a yard shall be charged to operating expenses, even though the tracks may be dismantled in the process, but resulting increases or decreases in grading, ballast, or track length shall be accounted for as additions or retirements, as appropriate. Where tracks in whole or in part within a yard are determined to be no longer permanently used the ledger value of such tracks shall be eliminated from the property account. In case yard tracks and facilities are constructed in another location to take the place of tracks retired, such tracks and facilities shall be accounted for as additions and the

cost thereof shall be included in the property account.

Under "instruction for depreciation accounts", the following changes are proposed:

1. In Instruction 4-1(c) Road Account 3 is revised and 8 is added:

4-1 Method \* \* \*

Road accounts:

3. Grading and ballast.

\* \* \*

8. Track—Material and labor.

2. Instruction 4-2 is revised by adding Paragraph (d):

4-2 Rates of depreciation

\* \* \*

(d) A separate track depreciation rate shall apply to each track density category as provided in Instruction 4-3(d). Track depreciation rates shall be developed by estimating the physical life of rail and other track material in terms of gross ton-miles per mile of track. The portion of total life which has expired in the current year as measured in gross ton-miles must be converted to a life based in years. Tie life shall be developed on the basis of years. A composite depreciation rate shall be developed from these lives by weighting the investment in ties, rails and OTM. If the economic life of a track line segment is estimated to be less than the physical life, then the economic life will be used in establishing the depreciation rate. In the absence of an established depreciable life for accounts 3, 4, 5 and 39, carriers shall use an economic life.

3. Instruction 4-3 is revised by adding paragraphs (d) and (e)

4-3 Depreciation records to be kept.

\* \* \*

(d) Carriers shall be prepared to justify all track depreciation rates by keeping appropriate backup material on the lives and salvage rates of track components which went into the life and salvage of the aggregate track structure for each density category.

(e) Accounts 3, 4, 5, 8, and 39 must be maintained by distinct traffic density categories.

Each line segment shall be identified on January 1 of each year as belonging to one of the following traffic density classes, based on the total traffic density in the preceding year:

#### Density

##### Class and Description

I—Lines carrying 20 million or more gross ton-miles per mile on an annual basis and not designated as belonging to Density Class V

II—Lines carrying at least 5 million but less than 20 million gross ton-miles per mile on an annual basis and not



designated as belonging to Density Class V

III—Lines carrying at least 1 million but less than 5 million gross ton-miles per mile on an annual basis and not designated as belonging to Density Class V

IV—Lines carrying less than 1 million gross ton-miles per mile on an annual basis and not designated as belonging to Density Class V

V—Lines identified as potentially subject to abandonment pursuant to Section 10904 of the Interstate Commerce Act

VI—Yard and way switching tracks

VII—Electronic yards

**Note A.**—For purposes of designating line segments as belonging to one of the density classes, the carrier shall consider all traffic carried over the segment whether in the carrier's trains or in the trains of other carriers.

**Note B.**—When a carrier operates systems of parallel tracks on a single roadbed, the density associated with the related segment of a rail route shall be the aggregate gross ton-miles on all individual tracks. The associated miles shall be the route miles, not the miles of track.

Under "Property accounts" the following changes are proposed:

1. The title and text of Account 3, Grading, is revised as follows:

3 Grading and ballast.

(a) This account shall include:

(1) The cost of clearing and grading the roadway, and of constructing protection for the roadway, tracks, embankments and cuts.

(2) The cost of gravel, stone, slag, cinders, sand, and like material used in ballasting tracks (including tracks in shops, fuel stations, supply yards, etc.) not previously ballasted, including cost of worktrain service and of unloading; cost of ballast applied in excess of ballast required to restore to its maximum height and width the ballast previously put on the roadbed; and the excess cost of improved ballast used in renewals over the cost to replace in kind to the original height and width of the ballast removed.

(b) When a part of a bridge or trestle, or the entire structure, is converted by filling into an earth embankment, and the bridge or trestle is used in lieu of a temporary trestle which would otherwise be required for the filling, the estimated cost of such temporary trestle shall be included in the cost of the filling, and charged to this account. (See Note A, under account 6, "Bridges, trestles, and culverts").

(c) When a tunnel is converted into an open cut, the cost of clearing, grubbing, and excavating shall be included in this account. (Also see Instruction 2-12).

(d) When a carrier applies additional ballast to raise the height of track and leaves the old ballast in the roadbed as part of the subgrade, the cost of the excess quantity in the subgrade over the former established standard shown by the carrier's records, shall be charged to this account based on the cost of the old ballast or current grading prices, whichever is lower.

(e) The instructions prescribed for gravel and sand pits and quarries applies to the accounting for pits from which ballast material is obtained either for construction work or for maintenance or for both.

#### Details of Roadbed and Items of Expense

Advertising for contractors' bids

Berm ditches

Blasting

Breakwaters

Bulkheading

Clearing land

Cribbing

Dikes (including those of earthen construction which are intended to function indefinitely)

Ditches (not required by right-of-way agreement)

Dressing slopes

Excavation for conversion of tunnels into open cuts

Filling bridges, trestles, and culverts

Grading outfits

Grubbing land

Material taken from borrow pits

New channels for streams

Operations of steam shovels

Payments for privilege of wasting material on the property of others

Payments for waste banks off the right-of-way

Retaining walls

Revetments

Riprap

Spoil banks

Temporary trestles for fills

Tools for grading

Wing dams

**Note A.**—The cost of ballast used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

**Note B.**—Earth placed to form a crown in the middle of the track is not to be considered as ballast.

**Note C.**—The cost of ballast material placed on the decking of bridges solely for fire-protected purposes shall be included in account 6, "Bridges, trestles and culverts."

**Note D.**—See Note C under property account 8, Track-Material and labor.

2. The text of Note C to Account 5 Tunnels and Subways is revised as follows:

5 Tunnels and subways.

\* \* \*

**Note C.**—When a tunnel is converted into an open cut, the ledger value of the tunnel shall be credited to this account. The service value of the tunnel shall be charged to account 735, "Accumulated depreciation; Road and equipment property."

3. The numbers, titles and texts of accounts 8, Ties 9, Rails, 10, Other track material and 11, Ballast and 12, Track laying and surfacing are deleted.

4. The text of Account 8 Track-Materials and labor is added to read: 8 Track-Materials and labor.

(a) Included in this account are the cost of (1) cross, switch bridge and other track ties, (2) rails, (3) other track material and (4) labor used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.); the cost of additional ties subsequently laid in such tracks; and the cost of welding two or more lengths of rail into continuous lengths for use in construction of tracks).

(b) This account shall be subdivided into two categories (1) Tie material costs and associated labor to install and (2) Rail, other track material and the associated labor to install.

(c) The cost of handling ties, rails and "other track materials" in general supply and storage yards shall be included as store expenses and apportioned to this account when they are used for construction purposes.

#### Items of Other Track Material

Angle bars

Anticreepers

Bumping posts

Compromise joints

Connecting rods

Crossings, including foundations or bases

Details

Frog blocking

Frogs

Guard-rail blocking

Guard-rail clamps

Guard-rail fasteners

Guard-rail, switch and other

Main rods

Nut locks

Nuts

Offset bars

Rail Braces

Rail Chairs

Rail clips

Rail joints

Rail rests

Rail shims

Rail splices

Splice bars

Step chairs

Switch chairs

Switch crossings

Switch lamps



Switch locks and keys  
Switch points  
Switch stands  
Switch targets  
Switches  
Tie plates  
Tie plugs  
Tie rods  
Track bolts  
Track insulators  
Track spikes

**Note A.**—The cost of ties, rail, other track material, and labor incurred in the construction of car floats shall be included in the cost of such floating equipment, and the cost of ties, rails, other track material and labor incurred in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

**Note B.**—The accounting for grading and ballast shall be reflected in account 3, Grading and ballast.

**Note C.**—The labor costs incurred for the following activities shall not be capitalized in this property account, or account 3—Grading and ballast, but instead expensed to the appropriate operating expense accounts. Property accounts 3 and 8 should contain charges directly related to the installation and/or replacement of track, and not labor activities related to the repair and maintenance functions. This guideline should also be followed in determining the qualifying investment base for computing the investment tax credit. Therefore, the following activities, and others similar in nature, shall not be capitalized:

- Cost of removing existing track material
- Rail flaw detection
- Track inspection
- Shifting of existing track
- Removing weeds in track
- Transposing rail
- Restoring chipped and battered rail ends by welding and/or by rail grinding train or other such equipment

- Gauging track
- Loading scrap track materials
- Lubricating rail in curved track
- Worktrain service picking up track materials
- Slotting rail at joints
- Respacing crossties
- Tightening bolts
- Resetting spikes and rail anchors in existing track
- Any other maintenance work not involving the placement of track material
- Surfacing (ballast installation up to former established standard)
- All repairs and replacement in yard tracks
- Costs of track changes which do not involve change of existing roadbed, although tracks may be dismantled in process.

[FR Doc. 81-18414 Filed 6-19-81; 6:45 am]

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# Notices

Federal Register

Vol. 46, No. 119

Monday, June 22, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## ADMINISTRATION OFFICE OF THE UNITED STATES COURTS

[Pay Order 81-3]

### Rates of Pay for Certain Officers and Employees of the Judicial Branch

Pursuant to the authority which the laws of the United States of American vest in me as Director of the Administrative Office of the United States Courts, I hereby ascertain, adjust, fix, and/or provide notice of pay rates for certain officers and employees of the Judicial Branch as follows:

#### 1-1. Rates of Pay

##### 1-101. Pay Rates Adjustment by Operation of Law.

(a) The per annum pay rates for officials whose rates the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 1.

(b) The per annum pay rates for officials whose rates are linked to rates which the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 2.

##### 1-102. Pay Rates Fixed Administrative Action.

(a) The maximum per annum pay rates for officials whose maximum rates the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 3.

(b) The maximum per annum pay rates for officials whose maximum rates are linked to rates which the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 4.

(c) The maximum pay rates for officials whose maximum rates may be adjusted pursuant to section 5307 of title 5, United States Code, are set forth in Table 5.

(d) The maximum per annum pay rates for officials whose maximum rates are linked to rates which may be

adjusted pursuant to section 5307 of title 5, United States Code, are set forth in Table 6.

(e) The maximum pay rates for officials whose maximum rates are linked to rates which are adjusted pursuant to section 5305 of title 5, United States Code, are set forth in Table 7.

(f) The per annum pay rates for officials whose rates the Judicial Conference of the United States fixes are set forth in Table 8.

(g) The per annum pay rates for officials whose rates are fixed in accordance with the Judicial Salary Plan are set forth in Table 9.

(h) The hourly pay rates for certain employees whose rates the Director of the Administrative Office of the United States Courts fixes in accordance with section 5349 of title 5, United States Code, are set forth in Table 10.

#### 1-2. General Provisions

##### 1-201. Incorporation of Tables.

Each of the tables referenced above is attached hereto and made a part hereof.

##### 1-202. Effective Dates.

(a) Except as otherwise provided, all adjustments of pay rates in the attached tables are effective as of the beginning of the first applicable pay period commencing on or after October 1, 1980. Implementing adjustments as a consequence of adjustments to maximum rates in the attached tables shall be effective in accordance with the action of the entity possessing pay-fixing responsibility.

(b) The adjustments of pay rates in Parts A and B of Table 10 are effective as of October 31, 1980, except that the

adjustments shall be retroactive to October 6, 1980, for each employee who satisfies the criteria of section 5344(b) of title 5, United States Code.

(c) The adjustments of pay rates in Part C of Table 10 are effective as of November 28, 1980, except that the adjustments shall be retroactive to October 6, 1980, for each employee who satisfies the criteria of section 5344(b) of title 5, United States Code.

##### 1-203. Determination of Adjustments.

Certain adjustments in sections 1-101 and 1-102 depend on the overall percentage of the adjustment in the rates of pay under the General Schedule. According to the President's November 18, 1980, report to the Congress of the United States, that figure is 9.11 percent. 16 Weekly Comp of Pres. Doc. 2729, 2730 (Nov. 24, 1980).

##### 1-204. "Formula Rates."

The difference between a rate of pay (or maximum rate) and a "formula rate," whenever a "formula rate" appears in the attached tables, is attributable to H.R.J. Res. 610, Pub. L. No. 96-369, § 101(c), 94 Stat. 1351, 1352 (Oct. 1, 1980); H.R.J. Res., Pub. L. No. 96-536, § 101(c), 94 Stat. 3166, 3167 (Dec. 15, 1980); and the Act of June 5, 1981, Pub. L. No. 97-12, § 401, 95 Stat.—.

##### 1-205. Superseded Orders.

This pay order supersedes Pay Order 81-1 of October 31, 1980, and Pay Order 81-2 of November 28, 1980.

Done at Washington, D.C., this 15th day of June, 1981.

William E. Foley,

Director, Administrative Office of the United States Court.

Table 1.—Per Annum Pay Rates for Officials Whose Rates the Executive Salary Cost-of-Living Adjustment Act Adjusts

Official	Rate	Formula <sup>1</sup>	Basic authority	Adjustment authority
Chief Justice of the United States	\$92,400.00		28 U.S.C. § 5	28 U.S.C. § 461
Associate Justices of the Supreme Court of the United States	88,700.00		28 U.S.C. § 5	Do.
Judges, United States Courts of Appeals	70,900.00		28 U.S.C. § 44(d)	Do.
Judges, United States Court of Claims	70,900.00		28 U.S.C. § 173	Do.
Judges, United States Court of Customs and Patent Appeals	70,900.00		28 U.S.C. § 213	Do.
Judges, United States District Courts	67,100.00		28 U.S.C. § 135	Do.
Judges, United States Court of International Trade	67,100.00		28 U.S.C. § 252	Do.
Bankruptcy judges (formerly referees in bankruptcy) (full-time)	53,500.00	58,400	Act of Nov. 6, 1978, Pub. L. No. 95-598, title IV, § 404(d), 411, 92 Stat. 2549, 2684, 2688.	Do.
Commissioners (trial judges), United States Court of Claims	51,167.50	59,800	28 U.S.C. § 792(b)	Do.

<sup>1</sup> The "formula rates" in this column are provided for convenience of reference only. They provide the basis for future cost-of-living adjustment calculations and the determination of actual pay rates in the absence of legislation to the contrary. Whenever this column is blank for a particular position, the "formula rate" currently equals the pay rate for that position.



**Table 2.—Per Annum Pay Rates for Officials Whose Rates Are Linked to Rates Which the Executive Salary Cost-of-Living Adjustment Act Adjusts**

Official	Rate	Formula <sup>1</sup>	Authority
District Judge, United States District Court for the District of the Canal Zone	\$67,100.00		3 P.C.C. § 5(b)
Judges, District Court of the Virgin Islands	67,100.00		48 U.S.C. § 1614(a)
Judge, District Court of Guam	67,100.00		48 U.S.C. § 1424(a)
Judge, District Court for the Northern Mariana Islands	67,100.00		48 U.S.C. § 1694(b)(1)
Director, Administrative Office of the United States Courts	67,100.00		28 U.S.C. § 603
Director, Federal Judicial Center	67,100.00		28 U.S.C. § 626
Deputy Director, Administrative Office of the United States Courts	50,112.50	\$58,500	28 U.S.C. § 603

<sup>1</sup> See n. 1 on table 1.**Table 3.—Pay Fixed by Administrative Action; Maximum Per Annum Pay Rates for Officials Whose Maximum Rates the Executive Cost-of-Living Adjustment Act Adjusts**

Official	Maximum rate	Formula <sup>2</sup>	Authority	Adjustment authority
Rates Which the Judicial Conference Fixes <sup>3</sup>				
Bankruptcy judges (formerly referees in bankruptcy) (part-time)	\$29,200	Act of Nov. 6, 1978, Pub. L. No. 95-598, title IV, § 404(d), 411, 92 Stat. 2549, 2584, 2588.	28 U.S.C. § 461 (1976).	

<sup>1</sup> In accordance with the September 1974 resolution of the Judicial Conference of the United States concerning cost-of-living adjustments for part-time bankruptcy judges and 5 U.S.C. § 5307 (1976), the per annum pay rate for each part-time bankruptcy judge is adjusted as follows: Level 1, \$29,200; Level 2, \$26,400; Level 3, \$24,000; and Level 4, \$4,300. These adjustments are effective October 1, 1980.

<sup>2</sup> The "formula rates" in this column are provided for convenience of reference only. They provide the basis for future cost-of-living adjustment calculations and the determination of maximum pay rates in the absence of legislation to the contrary. Whenever this column is blank for a particular position, the "formula rate" currently equals the maximum pay rate for that position.

**Table 4.—Pay fixed by Administrative Action;<sup>1</sup> Maximum Per Annum Pay Rates for Officials Whose Maximum Rates Are Linked to Rates Which the Executive Salary Cost-of-Living Adjustment Act Adjusts**

Official	Maximum rate	Formula <sup>2</sup>	Authority
Rates Which the Chief Justice Fixes			
Administrative Assistant to the Chief Justice of the United States	\$67,100.00		28 U.S.C. § 677(a)(1976).
Rates Which the Judicial Conference Fixes <sup>3</sup>			
Magistrates (full-time)	\$53,500.00	\$58,400	28 U.S.C. § 634(a) (1976) <sup>4</sup>
Magistrates (full-time)	\$26,750.00	29,200	28 U.S.C. § 634(a) (1976) <sup>4</sup>
Rates Which the Judicial Councils Fix			
Circuit executives	\$50,112.50	\$58,500	28 U.S.C. § 332(f) (1976).
Federal Public Defender for the Central District of California	( <sup>5</sup> )		18 U.S.C. § 3006A(h)(2)(A) (1976); 5 U.S.C. § 5315 (Supp. III 1979).
Rates Which the Director of the Federal Judicial Center Fixes			
Professional Personnel, Federal judicial center	\$50,112.50	\$58,500	28 U.S.C. § 625(b) (1976).

<sup>1</sup> The actual pay rates of officials included in this table are not subject to automatic adjustment. The entity possessing paying responsibility must act to adjust actual pay rates. The adjustments may be retroactive to the beginning of the first pay period commencing on or after October 1, 1980, when such adjustments are made pursuant to 5 U.S.C. § 5307 (1976).

<sup>2</sup> See n. 2 on table 3.

<sup>3</sup> In accordance with the March 1980 resolution of the Judicial Conference of the United States concerning cost-of-living adjustments for magistrates, the per annum pay rates for magistrates, effective as of the beginning of the first pay period commencing on or after October 1, 1979, are as follows: Level I (full-time), \$51,900; Level II (full-time), \$45,500; Yosemite National Park (full-time), \$34,250; Level 1 (part-time), \$25,950; Level 2 (part-time), \$23,100; Level 3 (part-time), \$20,300; Level 4 (part-time), \$17,900; Level 5 (part-time), \$15,500; Level 6 (part-time), \$13,600; Level 7 (part-time), \$11,800; Level 8 (part-time), \$10,000; Level 9 (part-time), \$8,200; Level 10 (part-time), \$6,400; Level 11 (part-time), \$4,500; Level 12 (part-time), \$3,600; Level 13 (part-time), \$2,700; Level 14 (part-time), \$1,800; and Level 15 (part-time), \$900.

During its March 1981 session, the Judicial Conference of the United States adjusted the per annum pay rate for level I magistrates, effective as of the beginning of the first pay period commencing on or after April 1, 1981, subject to the availability of appropriated funds, as follows: Level I (full-time), \$53,500. No appropriated funds are available to implement this resolution during fiscal year 1981.

<sup>4</sup> Section 232 of the Act of Nov. 6, 1978, Pub. L. No. 95-598, title II, 92 Stat. 2549, 2665, which amends 28 U.S.C. § 634(a) (1976), will become effective until April 1, 1984, in accordance with section 402(b) of the Act.

<sup>5</sup> [C]ompensation received by the U.S. attorney for the district where representation is furnished.



**Table 5.—Pay Fixed by Administrative action;<sup>1</sup> Maximum Pay Rates for Officials Whose Maximum Rates May Be Adjusted Pursuant to 5 U.S.C. § 5307 (1976)**

[Rates which the District Courts fix]

Official	Maximum rate (per day)	Basic authority	Adjustment authority
Jury commissioner.....	\$72.64	28 U.S.C. § 1863(b)(1) (1976).	5 U.S.C. § 5307 (1976).

<sup>1</sup> See n. 1 on Table 4.**Table 6.—Pay Fixed by Administrative Action;<sup>1</sup> Maximum Per Annum Pay Rates for Official Whose Maximum Rates Are Linked to Rates Which May Be Adjusted Pursuant to 5 U.S.C. § 5307 (1976)**

[Rates which the Judicial Councils fix]

Official	Maximum rate	Authority
Federal public defenders (except as provided in Table 4).	"Compensation received by the United States attorney for the district where representation is furnished. . . ."	18 U.S.C. § 3006A(h)(2)(a) (1976), 28 U.S.C. § 548 (1976).

<sup>1</sup> See n. 1 on Table 4.**Table 7.—Pay Fixed by Administrative Action; Maximum Pay Rates for Officials Whose Maximum Rates Are Linked to Rates Which Are Adjusted Pursuant to 5 U.S.C. § 5305 (1976)**[Rates which the Director of the Administrative Office of the United States Courts fixes<sup>1</sup>]

Official	Maximum rate (per day)	Authority
Land Commissioners.....	\$192.72	5 U.S.C. § 3109 (1976), 28 U.S.C. § 604(a)(5) (1976); H.R.J. Res. 644, Pub. L. No. 96-536, § 101(n), 94 Stat. 3166, 3169 (Dec. 16, 1980); H.R. 7584, title IV, "Fees of Jurors and Commissioners" 35 (Nov. 17, 1980).

<sup>1</sup> The Director has delegated authority to district courts to fix the pay rates of officials included in this table, subject to the limitations that: (a) The hourly rate cannot exceed \$40.00 and (b) notwithstanding the hourly rate, pay for any calendar day cannot exceed the maximum rate above. The district court must act to adjust actual pay rates.

**Table 8.—Pay Fixed by Administrative Action; Per Annum Pay Rates Which the Judicial Conference of the United States Fixes<sup>1</sup>**

Official	Rate	Authority
Court reporters, District Courts of the United States.....		28 U.S.C. § 753(e) (1976).
Level I.....	\$31,615	
Level II.....	30,178	
Level III.....	28,741	

<sup>1</sup> In accordance with the March 1971 resolution of the Judicial Conference of the United States concerning the General Plan of Qualification and Compensation for Court Reporters, the Director of the Administrative Office of the United States Courts makes the adjustments reflected in this table.

**Table 9.—The Judicial Salary Plan<sup>1</sup>**

[Per annum rates]

Stops	1	2	3	4	5	6	7	8	9	10
Judicial Salary Plan:										
1.....	\$7,960	\$8,225	\$8,490	\$8,755	\$9,020	\$9,175	\$9,437	\$9,699	\$9,712	\$9,954
2.....	8,951	9,163	9,459	9,712	9,820	10,109	10,398	10,687	10,976	11,265
3.....	9,766	10,092	10,418	10,744	11,070	11,396	11,722	12,048	12,374	12,700
4.....	10,963	11,328	11,693	12,058	12,423	12,788	13,153	13,518	13,883	14,248
5.....	12,266	12,675	13,084	13,493	13,902	14,311	14,720	15,129	15,538	15,947
6.....	13,672	14,128	14,584	15,040	15,496	15,952	16,408	16,864	17,320	17,776
7.....	15,193	15,699	16,205	16,711	17,217	17,723	18,229	18,735	19,241	19,747
8.....	16,826	17,387	17,948	18,509	19,070	19,631	20,192	20,753	21,314	21,875
9.....	18,585	19,205	19,825	20,445	21,065	21,685	22,305	22,925	23,545	24,165
10.....	20,467	21,149	21,831	22,513	23,195	23,877	24,559	25,241	25,923	26,605
11.....	22,486	23,236	23,986	24,736	25,486	26,236	26,986	27,736	28,486	29,236
12.....	26,951	27,849	28,747	29,645	30,543	31,441	32,339	33,237	34,135	35,033
13.....	32,048	33,116	34,184	35,252	36,320	37,388	38,456	39,524	40,592	41,660
14.....	37,871	39,133	40,395	41,657	42,919	44,181	45,443	46,705	47,967	49,229
15.....	44,547	46,032	47,517	49,002	50,487	51,972	53,457	54,942	56,427	57,912
16.....	<sup>2</sup> \$2,247	<sup>3</sup> \$3,989	<sup>4</sup> \$5,731	<sup>5</sup> \$7,473	<sup>6</sup> \$9,215	<sup>7</sup> \$10,957	<sup>8</sup> \$12,700	<sup>9</sup> \$14,442	<sup>10</sup> \$16,185	<sup>11</sup> \$17,927
17.....	<sup>12</sup> \$18,500	<sup>13</sup> \$20,500	<sup>14</sup> \$22,500	<sup>15</sup> \$24,500	<sup>16</sup> \$26,500	<sup>17</sup> \$28,500	<sup>18</sup> \$30,500	<sup>19</sup> \$32,500	<sup>20</sup> \$34,500	<sup>21</sup> \$36,500
18.....	<sup>22</sup> \$38,500	<sup>23</sup> \$40,500	<sup>24</sup> \$42,500	<sup>25</sup> \$44,500	<sup>26</sup> \$46,500	<sup>27</sup> \$48,500	<sup>28</sup> \$50,500	<sup>29</sup> \$52,500	<sup>30</sup> \$54,500	<sup>31</sup> \$56,500

<sup>1</sup> Notwithstanding the rates in this table, the basic pay of clerks of court and of probation officers is limited to a rate which is \$2,000 less than the maximum rate for circuit executives for the period beginning with the effective date of this table and ending March 22, 1981.

<sup>2</sup> These rates are "formula rates" which provide the basis for future cost-of-living adjustment calculations and the determination of actual pay rates in the absence of legislation to the contrary. Currently, the rate for each of these is \$50,112.50.



**Table 10.—Pay Fixed by Administrative Action: Hourly Pay Rates for Certain Employees Whose Rates the Director of the Administrative Office of the United States Courts Fixes Pursuant to 5 U.S.C. § 5349 (1976)**

[Administrative Office Wage System]

	Steps				
	1	2	3	4	5
<b>Part A. Graded Tradesmen and Craftsmen (Excluding Lithographers and Printers)</b>					
JG:					
1	\$4.97	\$5.18	\$5.39	\$5.59	\$5.80
2	5.40	5.62	5.84	6.07	6.29
3	5.82	6.06	6.30	6.54	6.79
4	6.34	6.60	6.86	7.13	7.39
5	6.84	7.13	7.42	7.70	7.99
6	7.36	7.67	7.98	8.28	8.59
7	7.87	8.20	8.53	8.86	9.18
8	8.35	8.70	9.05	9.40	9.74
9	8.80	9.17	9.54	9.90	10.27
10	9.26	9.65	10.04	10.42	10.81
11	9.72	10.13	10.54	10.94	11.35
12	10.19	10.61	11.03	11.46	11.88
13	10.63	11.07	11.51	11.96	12.40
14	11.09	11.55	12.01	12.47	12.94
15	11.55	12.03	12.51	12.99	13.47

**Part B. Supervisors of Tradesmen and Craftsmen**

JT:					
1	\$7.80	\$8.12	\$8.44	\$8.77	\$9.09
2	8.22	8.56	8.90	9.24	9.59
3	8.64	9.00	9.36	9.72	10.06
4	9.16	9.54	9.92	10.30	10.68
5	9.67	10.07	10.47	10.88	11.28
6	10.19	10.61	11.03	11.46	11.88
7	10.68	11.12	11.56	12.01	12.45
8	11.14	11.60	12.06	12.53	12.99
9	11.59	12.07	12.55	13.04	13.52
10	12.04	12.54	13.04	13.54	14.04
11	12.31	12.82	13.33	13.85	14.36
12	12.66	13.19	13.72	14.25	14.77
13	13.10	13.65	14.20	14.74	15.29
14	13.61	14.18	14.75	15.31	15.86
15	14.23	14.82	15.41	16.01	16.60

**Part C. Graded Lithographers and Printers**

JP:					
1	\$5.57	\$5.86	\$6.15		
2	5.85	6.16	6.47		
3	6.15	6.47	6.79		
4	6.43	6.77	7.11		
5	6.72	7.07	7.42		
6	7.01	7.38	7.75		
7	7.30	7.68	8.06		
8	7.58	7.98	8.38		
9	7.88	8.29	8.70		
10	8.16	8.59	9.02		
11	8.45	8.89	9.33		
12	8.74	9.20	9.66		
13	9.03	9.50	9.98		
14	9.32	9.81	10.30		
15	9.60	10.11	10.62		
16	9.89	10.41	10.93		
17	10.18	10.72	11.26		
18	10.47	11.02	11.57		
19	10.75	11.32	11.89		
20	11.05	11.63	12.21		
21	11.33	11.93	12.53		
22	11.62	12.23	12.84		
23	11.91	12.54	13.17		
24	12.20	12.84	13.48		
25	12.48	13.14	13.80		

[FR Doc. 81-18329 Filed 6-19-81; 8:45 am]

BILLING CODE 2210-01-M

# CIVIL AERONAUTICS BOARD

[Order 81-6-95; Docket 39689]

## Compagnie Nationale Air France; United States-France Vacances Fares Proposed; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of June 1981.

On February 20, 1981, Compagnie Nationale Air France (Air France) filed tariff revisions proposing an increase of about nine percent in Vacances fares between the United States and France, for effectiveness June 16, 1981.

We have decided to suspend this filing. While the Board, for its part, generally eschews regulation of discount fares, recent actions of the French Government denying fare filings of U.S. carriers have severely hampered their ability to compete in the French market, and require us to scrutinize Air France fare proposals more closely than we would otherwise prefer. The actions of the French Government, effectively thwarting low-fare entry by U.S. carriers, severely restrict the price/quality options available to U.S.-France passengers. Therefore, we are not inclined to give sympathetic consideration to Air France's discount fare increase proposals at this time.

Although we continue to hope for an acceptable resolution of U.S.-French pricing difficulties through negotiation, under present circumstances we find that it is the public interest to suspend Air France's filing.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in the attached Appendix, and rules and regulations or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful or contrary to the public interest; and if we find them to be unlawful or contrary to the public interest, to act appropriately to prevent the use of such fares, provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we suspend and defer the use of the tariff provisions in the attached Appendix from June 16 1981, to and including June 15, 1982, unless otherwise ordered by the Board, and shall permit no changes to be made therein during

the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President<sup>1</sup> and, unless disapproved by the President within ten days, it shall become effective June 16, 1981; and

4. We shall file copies of this order in the aforesaid tariff and serve them on Compagnie Nationale Air France and the Ambassador of France in Washington, D.C.

We shall publish this order in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,<sup>2</sup>

Secretary.

Appendix—Tariff CAB No. 71, Issued by Air Tariffs Corporation, Agent

On 50th and 51st Revised Pages 473; 56th, 57th, 59th and 60th Revised Pages 474, the YHE00 class fare of \$634 between New York, New York and Paris, France.

[FR Doc. 81-18400 Filed 6-19-81; 8:45 am]

BILLING CODE 6320-01-M

# COMMISSION ON CIVIL RIGHTS

## Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on July 28, 1981, at the Cromwell Inn, Route 72, Cromwell, Connecticut 06416. The purpose of this meeting is to discuss program planning for Fiscal Year 1981-82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. John Rose, Jr., P.O. Box 3216, Hartford, Connecticut 06103, (203) 242-2877; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-18376 Filed 6-19-81; 8:45 am]

BILLING CODE 6335-01-M

<sup>1</sup> We submitted this order to the President on June 4, 1981.

<sup>2</sup> All Members concurred.



### Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12 Noon, on July 14, 1981, at 230 South Dearborn Street, Room 3280, Chicago, Illinois 60604. The purpose of this meeting is to meet with Dr. Ruth Love, Chicago Public School Superintendent, to discuss school desegregation and to discuss the housing and special education projects of the Committee.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Miss Theresa F. Cummings, 2636 West Lawrence Avenue, Springfield, Illinois 62704, (217) 546-8647; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1981.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 81-18379 Filed 6-19-81; 8:45 am]

BILLING CODE 6335-01-M

### Kentucky Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 12:30 p.m. and will end at 4:30 p.m., on July 14, 1981, at the Executive Inn, 978 Phillips Lane, Louisville, Kentucky 40213. The purpose of this meeting is to follow up on State police project; plan for FY 1982, and review draft report of the Community Development Block Grant Study.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. James M. Rosenblum, 33 Ten Broeck Way, Louisville, Kentucky 40222, (502) 426-6000; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue NE., Atlanta, Georgia 30303, (404) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1981.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 81-18380 Filed 6-19-81; 8:45 am]

BILLING CODE 6335-01-M

### Minnesota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Minnesota Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 12 Noon, on July 9, 1981, at the Minnesota Press Club (2nd Floor), 45 South Seventh Street, Minneapolis, Minnesota. The purpose of this meeting is to have a briefing session for the press conference to release the Twin Cities Police Report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Lupe Lopez, 2105 Stillwater, White Bear Lake, Minnesota 55101, (612) 436-1146; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, IL 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1981.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 81-18381 Filed 6-19-81; 8:45 am]

BILLING CODE 6335-01-M

### Oklahoma Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Oklahoma Advisory Committee will convene at 10:00 a.m. and will end at 6:00 p.m., on July 10-11, 1981, at the Hilton Inn West, West Interstate 40 and Meridian, Oklahoma City, Oklahoma 73108. The purpose of this meeting is to orient new members and have a planning session.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Dr. Earl D. Mitchell, 3 Summit Circle, Stillwater, OK 74074, (405) 372-8873; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, TX 78204, (512) 730-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1981.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 81-18382 Filed 6-19-81; 8:45 am]

BILLING CODE 6335-01-M

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### Office of Coastal Zone Management; approval of Amendment to the Alaska Coastal Management Program

Notice is hereby given that on June, 1981, the Assistant Administrator for Coastal Zone Management in the National Oceanic and Atmospheric Administration (NOAA) approved the District Coastal Management Program of the Municipality of Anchorage as an amendment to the Federally approved Alaska Coastal Management Program (ACMP). This approval took place pursuant to Section 306 of the Coastal Zone Management Act of 1972 (CZMA), as amended (16 U.S.C. 1451 *et. seq.*), and NOAA regulations on Amendments to Approved State Management Programs, 15 CFR 923.80 (March 28, 1979).

Notice of the Assistant Administrator's preliminary decision to approve the amendment was published on April 2, 1981 in the *Federal Register*. A 30-day comment period was provided. Two responses were received that favored approval of the amendment. After evaluating the comments received, the Assistant Administrator determined that the Anchorage Program could be incorporated into the ACMP in conformance with the requirements of the CZMA and NOAA regulations. A copy of the findings made by the Assistant Administrator that this amendment meets the requirements of the CZMA may be obtained from the Office of Coastal Zone Management. Inquiries regarding the Anchorage Program and the findings should be addressed to: Peter McAvoy, Pacific Regional Manager, Office of Coastal Zone Management, Page Building #1, 3300 Whitehaven Street NW., Washington, DC. 20235, (202) 254-7100.

In accordance with Section 307 of the CZMA, Federal agencies are required to conduct their activities in the coastal zone consistent to the maximum extent practicable with the ACMP and the Anchorage Program. The Federal consistency requirements are fully explained at 15 CFR Part 930 (June 25, 1979). To determine how these requirements are applied in Alaska,



Federal agencies should contact Fran Ulmer, Director, Office of the Governor, Division of Policy Development and Planning, Pouch AD, Juneau, Alaska, 99811, (907) 465-3571.

Dated: June 12, 1981.

Robert W. Knecht,

Acting Assistant Administrator.

Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration

[FR Doc. 81-18302 Filed 6-19-81; 8:45 am]

BILLING CODE 3510-06-M

# **Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder); Receipt of Petition**

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

**ACTION:** Notice of Receipt of a Petition to Promulgate Emergency Regulations on Atlantic Groundfish

**SUMMARY:** The National Marine Fisheries Service (NMFS) NOAA, acknowledges receipt of the May 8, 1981, petition of the McCormack Trawling Corporation and the Old Colony Trawling Corporation to the Secretary of Commerce. The petition requests that the Secretary use his emergency authority under Section 305(e) of the Magnuson Fishery Conservation and Management Act to implement emergency regulations addressing alleged inequities and economic burdens of the vessel class system and the system of catch limitations by vessel class established by the Fishery Management Plan for Atlantic Groundfish and implementing regulations (50 CFR 651). The purpose of this notice is to acknowledge receipt of the petition and to provide to the public a summary of the petitioners' request.

**DATE:** The petition was received by the Secretary on May 13, 1981.

**ADDRESS:** Copies of the petition are available from the Office of Resource Conservation and Management, NMFS, NOAA, Washington, D.C. 20235.

**FOR FURTHER INFORMATION CONTACT:** William G. Gordon, Office of Resource Conservation and Management, NMFS, NOAA, Washington, D.C. 20235. Phone (202) 634-7218.

**SUPPLEMENTARY INFORMATION:** On May 8, 1981, the Old Colony Trawling Corporation and the McCormack Trawling Corporation (petitioners) of Boston, Massachusetts, filed a petition with the Secretary of Commerce (Secretary) for the amendment of a rule as authorized by 5 U.S.C. 553(e). The petitioners described themselves as

having been engaged continuously in the fishing industry and operating from the Boston Fish Pier since 1913. Petitioner Old Colony Trawling Corporation is the owner of the fishing trawler F/V Old Colony and McCormack Trawling Corporation is the owner of the trawler F/V Tremont. The petitioners claim that their vessels are the largest operating in the groundfish fishery of the Northwestern Atlantic conducted within the U.S. fishery conservation zone (FCZ). Each vessel is approximately 311 gross registered tons, with a hold capacity of 400,000 pounds, and has a captain and a crew of eight fishermen. These vessels fish exclusively in the FCZ. Cod and haddock comprise 80 percent of the total value of their catch. These vessels are subject to the restrictions and requirements of the regulations in 50 CFR 651 which implement the Fishery Management Plan for Atlantic Groundfish (Haddock, Cod, and Yellowtail Flounder) (FMP).

The petitioners' concerns center on alleged inequities and economic burdens of the FMP and regulations which are claimed to adversely affect the operation of their vessels. They assert that the vessel classes and catch limitations established by the FMP and in 50 CFR, sections 651.22 and 651.23: (1) discriminate against the petitioners' vessels; (2) deprive the petitioners of a fair return on their investment; (3) threaten the petitioners' financial viability; and (4) subject the petitioner to burdensome fines, penalties, and forfeitures. The petitioners contend that unless relief is provided before the beginning of summer, the present regulatory system may force the petitioners from the fishing industry.

The petitioners request that the Secretary find and declare that an emergency involving Atlantic groundfish resources exists, and that the Secretary use his authority under Section 305(e) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) to issue emergency regulations (modifying the FMP and final implementing regulations) addressing their concerns. The proposed emergency regulations would (1) create a new vessel class consisting of vessels over 300 gross registered tons, and (2) establish separate catch limitations of 30,000 pounds per week of cod and 40,000 pounds per week of haddock for this class. The petitioners request that these regulations be implemented as soon as practicable. Emergency regulations can be effective for a maximum period of 90 days.

The vessel class system and associated quarterly and annual

allocations (quotas) were proposed by the New England Fishery Management Council in 1978 and approved and implemented by the Secretary in that year. The intent of these management measures is to distribute the allowable domestic commercial catch among the four commercial vessel classes (three trawler classes and all fixed gear vessels) in proportion to their historical annual harvest, so that no one group will be adversely affected because of unusually high catches by the other groups. The several commercial vessel classes each receive an annual allocation or quota of regulated species (cod, haddock, and yellowtail flounder) which is divided into quarterly quota guidelines. All vessels in each class compete for a portion of the specified class allocation with other vessels of that class. The FMP and regulations also establish catch limitations (pounds per week or trip) of regulated species for the separate commercial vessel classes. The Assistant Administrator for Fisheries, NOAA, may adjust catch limitations during the fishing season for any species and any vessel class within limits established by the FMP. These adjustments are based on monitoring landings of each species and vessel class and are made to: (1) spread the fishing effort over the year; (2) reduce the need for fishery closures; and (3) allow each vessel class to harvest its historical share of the catch. The catch limits for cod for all vessel classes fishing in the Gulf of Maine and the Georges Bank & South management areas were last adjusted on April 5, 1981; haddock limits were last established on October 1, 1980.

The petitioners argue that the FMP and regulations impose an unfair economic burden on their vessels. They argue that the unique operating characteristics of their vessels are not recognized since these vessels are subject to the same catch limitations for cod and haddock that apply to other vessels less than half their gross registered tonnage (all within the large vessel class of over 125 gross registered tons). The petitioners' vessels are said to have much higher operating expenses (e.g., fuel, maintenance, personnel) than the other smaller vessels in the large vessel class, and that their financial well-being is dependent upon catching a greater amount of cod and haddock per week than is allowed by present catch limits. Documentation is provided to support their statements about operating costs, revenues, and income losses. The petitioners indicate that financial problems of operating the Old Colony and the Tremont are most acute in the



summer when exvessel prices for cod and haddock are lower. They provide evidence that their vessels are the only ones operating under current regulations which are not able to achieve a profit or provide a fair return on the owners' investment. The petitioners claim that it is not feasible for their vessels to fish for species other than the regulated groundfish (cod and haddock).

In support of the proposed new vessel class and associated catch limitations for cod and haddock, the petitioners contend that these emergency measures: (1) will not deplete fishery resources nor discriminate against other vessels or fishermen; (2) are consistent with the terms and spirit of the Magnuson Act; (3) correct secondary adverse effects of the current plan; and (4) represent the only alternative open to the petitioners' vessels for making fishing an economically viable endeavor. The petitioners indicate that they have presented their request for changing the FMP and regulations to the New England Fishery Management Council without attaining their desired results. In its review and consideration of the petition, the NMFS will seek the views and recommendations of the New England and Mid-Atlantic Fishery Management Councils.

Signed at Washington, D.C., this 16th day of June, 1981.

Dated: June 16, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

(FR Doc. 81-19419 Filed 6-19-81; 8:45 am)

BILLING CODE 3510-22-M

## DEPARTMENT OF DEFENSE

### Corps of Engineers, Department of the Army

#### Chief of Engineers Environmental Advisory Board Meeting

**ACTION:** Notice of open meeting.

**SUMMARY:** Under Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), this notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Chief of Engineers Environmental Advisory Board (EAB) meeting. The meeting is to be jointly chaired by Dean Gerald J. McLendon, Chairman, EAB, and Lieutenant General J. K. Bratton, Chief of Engineers, U.S. Army. The meeting is open to the public.

**DATE:** The meeting will be held from 1300 Tuesday, July 14, 1981 to 0930 Friday, July 17, 1981.

**ADDRESS:** The meeting will be held at the Marines' Memorial Club, 809 Sutter Street, San Francisco, California 94102.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Colonel George F. Boone, or Major Kenneth J. Dunn, Assistant Director of Civil Works for Environmental Programs, Office of the Chief of Engineers, Washington, D.C. 20314 (202) 272-0103.

**SUPPLEMENTARY INFORMATION:** The schedule and proposed agenda of the Environmental Advisory Board meeting have a general theme of the Corps public involvement program to include public affairs and social impact analyses is:

#### 14 July—Tuesday—P.M. Session

1300—Meeting convened.

1300-1650—Review of previous EAB reports.

1650-1700—Public comments.

1700—Meeting recesses.

#### 15 July—Wednesday—A.M. Session

0800—Meeting convened.

0800-1200—The Corps public involvement program.

1200-1315—Lunch.

#### P.M. Session

1315-1745—The Corps public involvement program.

1745-1815—Public comments.

1815—Meeting recessed.

#### 16 July—Thursday—A.M. Session

0800—Meeting convened.

0800-1200—The Corps public involvement program.

1200-1315—Lunch.

#### P.M. Session

1315-1745—The Corps public involvement program.

1745-1800—Public comments.

1800—Meeting recessed.

#### 17 July—Friday—A.M. Session

0800—Meeting convened.

0800-0915—EAB provides oral report to Chief of Engineers.

0915-0930—Public comments.

0930—Meeting adjourned.

Meeting room has limited seating capacity. Written statements, to be made part of the minutes, may be submitted prior or up to 10 days following the meeting.

John O. Roach, II,

Army Liaison Officer With the Federal Register.

(FR Doc. 81-18363 Filed 6-19-81; 8:45 am)

BILLING CODE 3710-92-M

### Draft Environmental Impact Statement (DEIS) for a Proposed Deep Draft Port at Kodiak, Alaska

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

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

**SUMMARY:** 1. Four alternative locations are being considered in detail to provide additional deep draft port capabilities at Kodiak, Alaska.

a. Monashka Bay is located approximately 6 miles north of the city of Kodiak on the existing road system. Development would require the construction of at least one offshore rubble mound breakwater. The depth of the bay may obviate any dredging activities.

b. Womens Bay is located 6 miles Southwest of the city, across the bay from the U.S. Coast Guard Base. This alternative may require a small rubble mound breakwater and dredging in the area of the proposed dock.

c. Dog Bay is located between Near Island and the city of Kodiak and is near the site for a proposed small boat harbor. Development of this site would require a rubble mound breakwater and dredging an entrance channel.

d. Expansion of the existing city dock in St. Paul Harbor may meet the needs for present and future deep draft utilization. This alternative may require intertidal and subtidal fill for ancillary facilities.

e. Other navigational improvements being considered are an offshore breakwater in the Puffin Island area which would protect the St. Paul Harbor area and the removal of rock pinnacles near the Discovery Rocks to provide a safe entrance into St. Paul Harbor.

2. Public and scoping meetings were held in Kodiak on 19 March 1981 to gather preliminary information and request information to determine the scope of issues to be addressed in the impact statement. Coordination has been initiated with concerned State and Federal agencies.

**ADDRESS:** Questions about the proposed action and DEIS can be answered by: William D. Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510, Tel: (907) 428-0382.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

(FR Doc. 81-18365 Filed 6-19-81; 8:45 am)

BILLING CODE 3710-NL-M



# **Draft Environmental Impact Statement (DEIS) for the Kaulana Bay Navigation Improvement Project, South Point, Island of Hawaii**

May 27, 1981.

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

**AGENCY:** Notice of Intent to Prepare a DEIS.

## **SUMMARY:**

1. The proposed action is a navigation improvement project, the major objectives of which are to reduce navigational hazard to the entrance channel and basin area and to reduce wave action at the launch ramp.

2. Preliminary alternative plans are based on input from the public as well as oceanographic information obtained from computer wave refraction analysis, theoretical wave diffraction analysis, an underwater reconnaissance and geotechnical investigations. The Kaulana Bay Study was approved for detailed project studies in June 1980 by the Chief of Engineers. Three alternative plans are currently under consideration. Plan 1 consists of dredging a 8.5-foot deep, 245-foot long entrance channel; constructing a 160-foot long main breakwater with a +11.5-foot crest elevation and a 100-foot wide, 6.5-foot deep turning basin. This plan provides protection for the existing ramp and utilizes the existing basalt flats as the entrance channel. Alternative Plans 2 and 3 will minimize dredging by utilizing the existing natural channel. Both plans involve relocating the existing ramp to assure adequate wave protection. Each plan consists of a 8.5-foot deep, 100-foot wide turning basin, and a main breakwater. Plans 2 and 3 have a similar layout except for a slightly longer main breakwater and narrower entrance channel in Plan 3.

3. The program involves coordination with the sponsoring agencies, other government agencies, community organizations and the general public. Activities include informal meetings, workshops, formal public meetings, issuance of public notices and letter responses. All pertinent agencies have been notified of study initiation. A public meeting is scheduled to be held with interested agencies and the public on 14 July 1981 at Naalehu Youth Center, Naalehu, Island of Hawaii, at 7:00 p.m.

## **a. Significant Issues to be Analyzed:**

- (1) Comparative environmental impacts of the proposed alternatives.
- (2) Project impacts on cultural resources.
- (3) Project impacts on water quality.
- (4) Project impacts on marine resources.

(5) Assessment of community responses to alternative plans.

## **b. Possible Assignments for Input into the EIS Among the Lead and Cooperating Agencies:**

(1) *US Fish and Wildlife Service.* Provision of a Fish and Wildlife Coordination Act Section 2b report to assist in assessment of ecological impacts.

(2) *State Historic Preservation Officer.* Identification and evaluation of previous cultural resource surveys.

(3) *State Department of Transportation.* Socio-economic data.

(4) *State Department of Health.* Water Quality data and Section 404 certification.

## **c. Identification of Other Environmental Review and Consultation Requirements:**

(1) Section 106 of the National Historic Preservation Act of 1966 requires survey and coordination regarding potential impact on significant cultural resources.

(2) Section 404 of the Clean Water Act of 1977 requires evaluation of projects to assess impacts resulting from deposition of dredged or fill materials into waters of the US.

(3) Coastal Zone Management Act of 1972 requires that a project must comply with the federal law as well as be consistent with the Coastal Zone Management program for the State of Hawaii.

4. Because the study was initiated last year, a scoping meeting will not be held on the project. Significant agencies involved in the planning process are already informed of the proposed action. Those agencies include the sponsoring agency, State of Hawaii Department of Transportation, State Historic Preservation Officer, and the US Fish and Wildlife Service.

5. Under the present schedule, the DEIS will be made available to the public in June 1981.

**ADDRESS:** Questions about the proposed action and DEIS can be answered by: Mr. Timothy Young, Project Engineer, US Army Engineer District, Honolulu, Building 230, Ft Shafter, Hawaii 96858, Telephone: (808) 438-2240.

Dated: May 28, 1981.

Alfred J. Thiede,  
Colonel, Corps of Engineers District Engineer.

[FR Doc. 81-18264 Filed 6-19-81; 8:45 am]

**BILLING CODE 3710-NN-M**

## **National Hydropower Study; Announcement of Open Meetings**

**AGENCY:** Army Corps of Engineers, DOD

**ACTION:** Notice of Open Meetings.

**SUMMARY:** The Corps of Engineers, Institute for Water Resources will hold a series of weekly conference sessions on the National Hydropower Study draft report. The conference sessions are open to anyone who would like to obtain information about the study and to discuss: hydropower demand and potential; policies for future development; options for future hydropower development; recommendations for implementation of the study proposals; or other related topics, with members of the study staff.

**DATES:** Conference sessions will be held each Wednesday from 1 July 1981 to 26 August 1981, between the hours of 100 p.m. and 4:00 p.m.

**ADDRESS:** Institute for Water Resources, Kingman Building, Fort Belvoir, Virginia 22060.

**CONTACT:** Additional information may be obtained by calling the National Hydropower Study Staff Office at (202) 325-7023.

Dated: 8 June 1981.

Maximilian Imhoff,  
Colonel, CE Commander/Director.

[FR Doc. 81-18306 Filed 6-19-81; 8:45 am]

**BILLING CODE 3710-92-M**

## **Recreation Use Fees**

In accordance with the provisions of § 327.25 of the regulation governing public use of U.S. Army Corps of Engineers Water Resource Development Projects which appears at Title 36 Code of Federal Regulations, notice is hereby given of a change in recreation use fees for camping. The raise is part of a plan to charge a fair and equitable fee at all Federal Government recreation areas in compliance with the requirements set by Congress for fees to be comparable with other Federal and non-Federal public agencies. The fees for single user units will begin at \$1.00 with the upper limit comparable to nearby public agencies as determined by the District Engineer, depending on services offered and facilities available. A maximum additional charge of \$1.00 a day may be made for electrical hookups where available.

Group camp area fees will range from no charge for a primitive site, to a minimum of \$3.00 and an upper limit comparable to nearby public agencies as determined by the District Engineer.

At each U.S. Army Corps of Engineers Water Resource Development Project where camping is permitted the District Engineer will provide at least one primitive campground, containing designated campsites, sanitary facilities,



and vehicle access, where no fees will be charged.

The specific application of the increased fees will be reflected in notices posted at each U.S. Army Corps of Engineers water resource development project where a use fee is to be charged.

Dated: June 16, 1981.

Approved:

Forrest T. Gay, III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 81-18367 Filed 6-19-81; 8:45 am]

BILLING CODE 3710-92-M

## Office of the Secretary

### Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Tuesday and Wednesday, August 4-5, 1981, Pomponio Plaza, Rosslyn, Virginia. The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on Soviet naval trends.

M. S. Healy,

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

June 17, 1981.

[FR Doc. 81-18399 Filed 6-19-81; 8:45 am]

BILLING CODE 3810-70-M

## DEPARTMENT OF EDUCATION

### Ethnic Heritage Studies National Advisory Council; Meeting

**AGENCY:** National Advisory Council on Ethnic Heritage Studies.

**ACTION:** Cancellation of Meeting of the National Advisory Council on Ethnic Heritage Studies.

**SUMMARY:** This notice is to cancel the meeting of the Advisory Council on Ethnic Heritage Studies published on pg. 30383, Monday, June 8, 1981 (FR-Docket 81-16866).

**DATE:** June 24, through June 26, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lawrence E. Koziaz, Director, Ethnic Heritage Studies Program, 400 Maryland Avenue SW., Room 1128,

Donohoe Building, Washington, D.C. 20202, Telephone (202) 245-3471.

Signed in Washington, D.C., on June 17, 1981.

John H. Rodriguez,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 81-18411 Filed 6-19-81; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

[Docket No. ERA-FC-79-005 OFC Case No. 61004-9019-05-11]

### Air Products and Chemicals, Inc.; Extension of Period to issue Final Order on a Petition for Exemption

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

**ACTION:** Notice of extension of period to issue final order on a Petition for exemption.

The Economic Regulatory Administration (ERA) hereby gives notice that, under section 701(c)(3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA), it is extending the time period in which it must issue a final order on a petition for exemption filed by Air Products and Chemicals, Incorporated (Air Products). Pertinent criteria and procedures for petitioning for an exemption 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.

Air Products' petition, filed with ERA on September 17, 1979, requests a temporary exemption from the prohibitions of Title II of FUA for a new major fuel burning installation (MFBI) at its Calvert City, Kentucky, chemical plant. The exemption request, based upon section 211(b) of FUA, asserts that, at the end of a 5-year exemption period, the MFBI will be able to comply with the applicable prohibitions through the use of a synthetic fuel derived from coal.

The comment and public hearing period under 10 CFR Part 501, Subpart C, on Air Products' petition closed on December 21, 1979. No written comments were received and no hearing was requested.

As required by section 701(c)(3) of FUA and 10 CFR 501.68, ERA must issue an order either granting or denying a petition for an exemption within 6 months after the end of the period for public comment and hearing. However, because Air Products was unable to satisfy the requirement that it produce evidence of a binding contract for the purchase of the synthetic fuel, ERA

could not issue a final order on June 21, 1980, the date of expiration of the 6 month period.

Section 701(c)(3) of FUA and 10 CFR 501.68(a)(2) provides that the period for issuance of a final order may be extended to a specific date upon publication of notice of such extension in the *Federal Register*, together with a statement of the reasons therefor. Because of Air Products continuing inability to produce evidence of a binding contract for the purchase of the synthetic fuel, ERA has twice extended, in six-month increments, the period for issuance of the final order on Air Products' petition for exemption. Such extensions were noticed in the *Federal Register* at 45 FR 42004, June 23, 1980, and 45 FR 84119, December 22, 1980. The second extension period expires on June 22, 1981.

On June 1, 1981, Air Products advised ERA that its negotiations with the International Coal Refining Company (ICRC) for a supply of synthetic fuel were nearing conclusion and that a binding sale contract would be executed soon. As it was uncertain, however, that the evidentiary requirements of 10 CFR 503.24 and 503.12(b) providing for the filing of a compliance plan could be satisfied by June 22, 1981, Air Products requested that ERA again extend the time period for the issuance of the final order to permit it to continue the contract negotiations and ultimately to be able to file with ERA the required evidence of a binding contract for the purchase of the synthetic fuel.

Accordingly, ERA is granting Air Products' extension request, and pursuant to section 701(c)(3) of FUA, is extending the period for issuance of the final order from June 22, 1981, to December 21, 1981, or until Air Products files either evidence of a binding contract for the purchase of the synthetic fuel as part of a final compliance plan under 10 CFR 503.24(c) and 503.12(b) or, under 10 CFR 503.24(b)(4), a preliminary compliance plan, whichever occurs earlier.

### FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Acting Chief, New MFBI Branch Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-3934.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4257.

Marya A. Rowan, Office of the General Counsel, Department of Energy,



Forrestal Building, Room 6B-178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

Issued in Washington, D.C. on June 15, 1981

Robert L. Davies,

Director, Office of Fuels Conversion,  
Economic Regulatory Administration,

[FR Doc. 81-18322 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-01-M

[OFC Case Nos. 55119-9193-01-12; 55119-9193-02-12; 55119-9193-03-12; Docket No. ERA-FC-81-005]

# **General Motors Corp.; Order Granting Exemptions From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978**

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

**ACTION:** Order granting exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

**SUMMARY:** On December 4, 1980, General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) for an order which would exempt three new major fuel burning installations (MFBI's) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). Title II of FUA prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's unless an exemption has been granted by ERA. Criteria for petitioning for exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501, and 10 CFR Part 503, published on June 8, 1980, at 45 FR 38276 and 38302 respectively.

Pursuant to the provisions of FUA and 10 CFR 503.38, ERA hereby grants to GM, subject to the terms and conditions specified herein, a permanent fuels mixture exemption as authorized by § 212(d) of the Act and 10 CFR 503.38(d) for each of three new field-erected boilers, (identified as boilers Nos. 1, 2, and 3) to be installed at GM's Assembly Division, Shreveport, Louisiana plant.

In accordance with section 702(a) of FUA, this order shall take effect on August 21, 1981.

## **FOR FURTHER INFORMATION CONTACT:**

Edward J. Peters, Jr., Case Manager,  
Acting Chief, New MFBI Branch,  
Office of Fuels Conversion, Economic  
Regulatory Administration, 2000 M  
Street NW., Room 3128-M,  
Washington, D.C. 20461, Phone (202)  
653-3934.

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 available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.-4:30 p.m.

## **SUPPLEMENTARY INFORMATION:**

Eligibility and evidentiary requirements governing the permanent fuels mixture exemption, as authorized under section 212(d) of FUA, are set forth at 10 CFR 503.38. Under section 212(d), a certification alternative is available for MFBI's which will use a mixture containing less than 25 percent petroleum or natural gas, providing simplified evidentiary requirements for such facilities. GM has petitioned for a permanent exemption from the prohibitions of Title II of FUA for each of its boilers Nos. 1, 2 and 3, under 10 CFR 503.38(d), based upon use of a mixture of coal and natural gas containing less than 25 percent natural gas for each unit.

In accordance with 10 CFR 501.3(d) ERA published notice of its acceptance of GM's petition in the *Federal Register* on April 3, 1981, at 46 FR 20267. The Notice of Acceptance provided for a 45-day comment period during which interested persons could submit written comments and request a public hearing on the petition for exemption. That period expired on May 18, 1981. No comments were received nor was a public hearing requested. After the ERA staff reviewed and analyzed the information contained in the record of this proceeding to date, a Tentative Staff Analysis was prepared that recommended that ERA issue an order granting GM the requested exemption for each boiler. ERA published a Notice of Availability of the Tentative Staff Analysis in the *Federal Register* on May 29, 1981, at 46 FR 28898. The notice of availability provided for a 14-day comment period during which interested persons could submit written comments and request a public hearing on the petition for exemption or the Tentative Staff Analysis. The period expired on June 12, 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 GM's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from either of these agencies.

## **Decision and Order**

Based upon review of the entire record of this proceeding, ERA has determined that GM has satisfied the certification requirements of 10 CFR 503.38(d). Therefore, pursuant to section 212(d) of the Act, and subject to the terms and conditions stated below, ERA hereby grants GM a permanent fuels mixture exemption for each new boiler Nos. 1, 2, and 3 to permit the use of natural gas in a mixture with coal in those units. As specified in the terms and conditions below, the total amount of natural gas used in each exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit. In granting this exemption, ERA has taken into account the purpose for which the minimum percentage of natural gas provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operations, consistent with maintaining a reasonable level of fuel efficiency. Accordingly, ERA will not exclude from the definition of primary energy source any fuel used in the boilers for the purposes of unit ignition, startup, testing, flame stabilization and control uses.

## **Terms and Conditions**

Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), GM, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Accordingly, such terms and conditions as enumerated below, are attached to this order granting the requested exemption.

(1) The amount of natural gas to be used in a mixture with alternate fuel in each of the boilers will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each unit.

(2) Prior to operation each of the boilers, GM will 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.

## **Reporting Requirements**

In addition to the above terms and conditions, GM must, pursuant to 10 CFR 503.38(g), upon grant of this



exemption, certify to ERA the date each of the three boilers is first operated under the provisions of this order, and must, annually thereafter at not later than 30 days after each anniversary of that date, file with ERA a certification that the amount of natural gas used in each boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of GM.

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 fuels mixture exemption by certification in which the use of petroleum or natural gas in a mixture with an alternate fuel(s) will not exceed 25 percent of the exempted MFBI's total annual Btu heat input of its primary energy sources, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Assessment.

The classification raises a rebuttable presumption that the granting or denial of these exemptions will not significantly affect the quality of the human environment. GM has certified that it will secure all applicable permits and approvals prior to commencement of operation of each new MFBI under exemption. The Environmental Checklist completed and certified to by GM 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 GM's responses to the questions therein indicate that the operation of each of the three boilers under this exemption will not have significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to these FUA actions. No contrary information has come to the attention of ERA during the proceeding on GM's petition. Therefore, no additional environmental review is deemed to be required.

#### Effectiveness of Order

The exemptions granted by this order shall become effective on August 21, 1981.

#### Judicial Review

Pursuant to section 702(c) of the Act, any person aggrieved by this order may

at any time before the 60th calendar day after the date of publication of this Order file a petition for judicial review thereof in accordance with the procedures outlined in 10 CFR 501.69

Issued in Washington, D.C. on June 15, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion,  
Economic Regulatory Administration.

[FR Doc. 81-18319 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-006 (OFC Case Number 55120-9200-01-12)]

#### Georgia Kraft Co.; Petition for Exemption

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Order Granting an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

**SUMMARY:** On April 1, 1981, Georgia Kraft Company (Georgia Kraft) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978; 42 U.S.C. § 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Criteria and the procedure for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Georgia Kraft requested a permanent fuels mixture exemption in order to burn petroleum (No. 6 fuel oil) or natural gas in a mixture with bark and wood waste in its new field-erected boiler to be constructed at Georgia Kraft's Alabama Kraft Division in Cottonwood, Alabama.

Pursuant to section 212(d) of the Act, and 10 CFR § 503.38, and subject to specified terms and conditions stated herein, ERA hereby issues this order granting a permanent fuels mixture exemption to Georgia Kraft to permit the use of petroleum (No. 6 fuel oil) or Natural gas in a mixture with bark and wood waste in the new MFBI. As specified in the terms and conditions, the amount of petroleum or natural gas used in the exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the unit.

In accordance with section 702(a) of FUA, this order shall take effect on August 21, 1981.

**FOR FURTHER INFORMATION CONTACT:** Edward J. Peters, Jr., Acting Chief, New

MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461. Phone (202) 653-3934.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461. Phone (202) 653-4257.

L. Dow Davis, IV, 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 available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

**SUPPLEMENTARY INFORMATION:** Under the authority of section 212(d) of the Act, 10 CFR § 503.38 sets forth eligibility criteria and evidentiary requirements governing a permanent exemption for the use of petroleum or natural gas in a mixture with alternate fuels. Under 10 CFR § 503.38(d), a certification alternative is available for MFBI's which will not burn more than 25 percent petroleum or natural gas in a mixture with an alternate fuel. Georgia Kraft utilized the certification alternative in its permanent fuels mixture exemption petition.

In accordance with the procedural requirements of FUA and 10 CFR § 501.3(d), ERA published the notice of its acceptance of Georgia Kraft's petition in the *Federal Register* on April 22, 1981, at 46 FR 22927. Simultaneously, pursuant to 10 CFR § 501.64, ERA published the notice of availability of the Tentative Staff Analysis after the ERA staff had reviewed and analyzed the information contained in the record of this proceeding to date. The analysis recommended that ERA issue an order which would grant Georgia Kraft a permanent fuels mixture exemption for its new boiler permitting the use of petroleum (No. 6 fuel oil) or natural gas in a mixture with bark and wood waste, with the proviso that the amount of petroleum and natural gas used in the unit will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the unit. The combined notice provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption or the



Tentative Staff Analysis and could request that a public hearing be convened. The period expired on June 8, 1981. No comments were received and no person requested a public hearing. As required by section 701(f) and (g) of the Act, ERA provided a copy of Georgia Kraft's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from these agencies.

**Decision and Order:** Based upon review of the entire record of this proceeding, ERA has determined that Georgia Kraft has satisfied the certification requirements of 10 CFR § 503.38(d). Therefore, pursuant to section 212(d) of the Act, and subject to the terms and conditions stated below, ERA hereby grants Georgia Kraft a permanent fuels mixture exemption to permit the use of petroleum (No. 6 fuel oil) or natural gas in a mixture with bark and wood waste in the new bark and wood waste boiler. The total amount of petroleum and natural gas used in the exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit. In granting this exemption, ERA has taken into account the purposes for which the minimum percentage of petroleum and natural gas provided by a fuels mixture exemption is to be used, i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Accordingly, ERA will not exclude from the definition of primary energy source any fuel used in the new bark and wood waste boiler for the purposes of unit ignition, startup, testing, flame stabilization and control uses.

**Terms and Conditions:** Section 214(a) of FUA and 10 CFR § 503.38(e) provide ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. Accordingly, such terms and conditions, as enumerated below, are attached to this order granting the requested exemption.

(1) The amount of petroleum (No. 6 fuel oil) or natural gas used in a mixture with an alternate fuel(s) in the new boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

(2) The quality of any petroleum to be burned in the new bark and wood waste boiler will be the lowest grade available, which is technically feasible and capable of being burned consistent with applicable environmental requirements.

(3) Prior to operating the new bark and wood waste boiler, Georgia Kraft

will 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.

**Reporting Requirements:** In addition to the above standard terms and conditions, pursuant to 10 CFR § 503.38(g), Georgia Kraft will certify to ERA the date on which the new bark and wood waste boiler is first operated under the provisions of this order, and will file with ERA annually thereafter, within 30 days of that anniversary date, a certification that the amount of petroleum and natural gas used in the bark boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of Georgia Kraft. Cite OFC Case Number 55120-9200-01-12 on each certification and send to:

Economical Regulatory Administration,  
Case Control Unit (Fuel Use Act),  
Attn: OFC Case no. 55120-9200-01-12,  
Box 4629, Room 3214, 2000 M Street,  
NW., Washington, D.C. 20461.

**NEPA Categorical Exclusion Guidelines:** 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 fuels mixture exemption by certification, was identified as an action which normally does not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Georgia Kraft has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by Georgia Kraft pursuant to 10 CFR § 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. Georgia Kraft's responses to the questions contained therein indicate that the operation of the new bark and wood waste boiler will have no significant impact on those areas regulated by specified laws that impose consultation

requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments during this proceeding which raise questions regarding the application of the categorical exclusion in this instance. Therefore, no additional environmental review is deemed to be required.

**Effectiveness or Order:** This order shall take effect on August 21, 1981.

**Judicial Review:** Pursuant to section 702(c) of the Act and 10 CFR § 501.69, any person aggrieved by this order may petition for judicial review at any time before the 60th day after the date of publication of this order in the Federal Register.

Issued in Washington, D.C. on June 15, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion,  
Economic Regulatory Administration.

[FR Doc. 81-18323 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-01-M

#### [ERA Docket No. 81-CERT-008]

#### Public Service Electric and Gas Co.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On June 25, 1980, Public Service Electric and Gas Company (Public Service), 80 Park Plaza, Newark, New Jersey 07101, was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80-CERT-020). The certification involved the purchase of natural gas from National Gas and Oil Corporation and Equitable Gas Company for use by Public Service at its electric generating facilities in New Jersey. These purchases are being delivered pursuant to the ERA certification in Docket No. 80-CERT-020. The ERA certificate expires on June 24, 1981.

On June 5, 1981, Public Service filed an application for recertification for one year of an eligible use of natural gas to displace fuel oil at its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearney in Kearney; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-13, 2000 M Street, N.W.,



Washington, D.C. 20461, from 8:30 a.m.-4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Public Service states that the volume of natural gas for which it requests recertification is up to 7.3 billion cubic feet per year. This volume is estimated to displace the use of approximately 1,102,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 30,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year.

The quantities at each location are subject to considerable variation with changes in demand and availability of the various generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated volume (BCF)	Estimated Oil Displacement (000 BBL)	
		0.3 per-cent <sup>1</sup>	0.2 per-cent <sup>2</sup>
1. Bergen Generating Station, Ridgefield, N.J.	3.2	492	
2. Essex Generating Station, Newark, N.J.	0.1		15
3. Hudson Generating Station, Jersey City, N.J.	2.6	435	
4. Kearny Generating Station, Kearny, N.J.			

ERA Docket No.	Amount	Remarks
80-CERT-017	4 Bcf/yr	Effective June 25, 1980.
80-CERT-020	17.5 Bcf/yr	Recertification of 79-CERT-020 and effective June 25, 1980.
80-CERT-0028	1 Bcf/yr	Effective Sept. 17, 1980.
80-CERT-044	8 Bcf/yr	Effective Dec. 22, 1980.
81-CERT-008	2 Bcf/yr	Effective Apr. 3, 1981.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Albert F. Bass, on or before July 2, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice

Location	Estimated volume (BCF)	Estimated Oil Displacement (000 BBL)	
		0.3 per-cent <sup>1</sup>	0.2 per-cent <sup>2</sup>
5. Linden Generating Station, Linden, N.J.			
6. Seward Generating Station, Seward, N.J.	1.1	175	
7. Edison Generating Station, Edison, N.J.	0.1		15
8. Mercer Generating Station, Trenton, N.J.			
Totals	7.3	1,102	30

<sup>1</sup> Sulfur No. 6 oil.

<sup>2</sup> Sulfur No. 2 oil or 0.1 percent sulfur kerosene.

The eligible seller is National Gas and Oil Corporation, 1500 Granville Road, Newark, Ohio 43055. The gas will be transported by Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001; Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; and Transcontinental Gas Pipeline Corporation, P.O. Box 1396, Houston, Texas 77001, all of which are interstate natural gas pipelines.

Public Service has in effect certifications by the ERA for one year which authorize purchases of natural gas from various eligible sellers for use at the electric generating stations named in this certification as follows:

will be given to Public Service and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C., June 16, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-16317 Filed 6-19-81; 8:45 am]

BILLING CODE 9450-01-M

#### [ERA Docket No. 81-CERT-009]

#### Public Service Electric & Gas Co.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On June 25, 1980, Public Service Electric and Gas Company (Public Service), 80 Park Plaza, Newark, New Jersey 07101, was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80-CERT-017). The certification involved the purchase of

natural gas from East Tennessee Gas Company for use by Public Service at its electric generating facilities in New Jersey. These purchases are being delivered pursuant to the ERA certification in Docket No. 80-CERT-017. The ERA certificate expires on June 24, 1981.

On June 8, 1981, Public Service filed an application for recertification for one year of an eligible use of natural gas to displace fuel oil at its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearney in Kearney; Linden in Linden; Seward in Seward; Edison in Edison; and Mercer in Trenton, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application of file and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m.-4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Public Service states that the volume of natural gas for which it requests recertification is up to 10.7 billion cubic feet per year. This volume is estimated to displace the use of approximately 1,616,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 42,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year.

The quantities at each location are subject to considerable variation with changes in demand and availability of the various generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated volume (BCF)	Estimated Oil Displacement (000 BBL)	
		0.3 per-cent <sup>1</sup>	0.2 per-cent <sup>2</sup>
1. Bergen Generating Station, Ridgefield, New Jersey	4.6	721	
2. Essex Generating Station, Newark, New Jersey	0.1		21
3. Hudson Generating Station, Jersey City, New Jersey	4.2	636	
4. Kearny Generating Station, Kearny, New Jersey			
5. Linden Generating Station, Linden, New Jersey			
6. Seward Generating Station, Seward, New Jersey	1.7	257	
7. Edison Generating Station, Edison, New Jersey	0.1		21
8. Mercer Generating Station, Trenton, New Jersey			
Totals	10.7	1,616	42

<sup>1</sup> Sulfur No. 6 oil.

<sup>2</sup> Sulfur No. 2 oil or 0.1 percent sulfur kerosene.



The eligible seller is East Tennessee Natural Gas Company, P.O. Box 10245, Knoxville, Tennessee 37919. The gas will be transported by Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001; Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; and Transcontinental Gas Pipeline

Corporation, P.O. Box 1396, Houston, Texas 77001, all of which are interstate natural gas pipelines.

Public Service has in effect certifications by the ERA for one year which authorize purchases of natural gas from various eligible sellers for use at the electric generating stations named in this certification as follows:

ERA Docket No.	Amount	Remarks
80-CERT-017	4 Bcf/yr	Effective June 25, 1980.
80-CERT-020	17.5 Bcf/yr	Recertification of 79-CERT-020 and effective June 25, 1980.
80-CERT-028	1 Bcf/yr	Effective Sept. 17, 1980.
80-CERT-044	8 Bcf/yr	Effective Dec. 22, 1980.
81-CERT-006	2 Bcf/yr	Effective Apr. 3, 1980.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461. Attention: Mr. Albert F. Bass, on or before July 2, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Public Service and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C., June 16, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

(FR Doc. 81-18318 Filed 6-19-81; 8:45 am)

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-013; OFC Case Number 67017-9205-02-12]

**Transamerica Delaval, Inc.,  
Acceptance of Petition for Exemption  
From the Prohibitions of the  
Powerplant and Industrial Fuel Use Act  
of 1978 and Notice of Availability of  
Tentative Staff Analysis**

AGENCY: Economic Regulatory Administration, DOE.

**ACTION:** Acceptance petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and notice of availability of tentative staff analysis.

**SUMMARY:** On May 19, 1981, Transamerica Delaval, Inc. (Delaval) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order which would exempt a new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibits the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Delaval is seeking a permanent exemption from the prohibitions of Title II of FUA for a new oil/gas-fired boiler (designated as boiler No. 2 by Delaval) to be installed at its Trenton, New Jersey, plant based upon a lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

ERA has determined that Delaval's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant Delaval the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of

availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of Delaval's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments on Delaval's petition and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis noticed herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

**DATES:** Written comments on the acceptance of Delaval's petition for exemption are due on or before August 6, 1981. Any request for public hearing must also be made within the same 45-day period.

The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of Delaval's petition.

**ADDRESS:** Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA-FC-81-013 should be printed on the outside of the envelope and on the document contained therein.

**FOR FURTHER INFORMATION CONTACT:** Edward J. Peters, Jr., Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-3934



Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4257

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

**SUPPLEMENTARY INFORMATION:** The MFBI for which the petition for exemption has been filed is a oil/gas-fired boiler to be installed at Delaval's turbine and compressor manufacturing plant in Trenton, New Jersey. The new MFBI, designated as boiler No. 2 by Delaval, will be used to generate steam to test machinery manufactured at the plant, including turbines, large pumps and compressors. It will also be used to provide steam for space heating. Boiler No. 2 will have a design heat input rate of 203 million Btu's per hour and is capable of burning residual oil and natural gas.

Eligibility and evidentiary requirements governing the permanent exemption for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, authorized under section 212(a) of FUA, are set forth at 10 CFR 503.32. Under subsection (c) of 10 CFR 503.32, a certification alternative is available for MFBI's which will be operated less than 600 hours on an annual basis, providing simplified evidentiary requirements for such facilities. Delaval has utilized the certification alternative provided for in 10 CFR 503.32(c) and has included in its petition the following duly executed certifications:

(1) Boiler No. 2 will be operated annually less than 600 hours full load equivalent;

(2) The use of a mixture of petroleum or natural gas and an alternate fuel for which an exemption would be available is not economically or technically feasible;

(3) Pursuant to 10 CFR 503.15(b), Delaval will, prior to operating boiler No. 2 under the 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; and

(4) Information required by the Environmental Checklist pursuant to 10 CFR 503.15(b).

Additionally, Delaval has stated in its petition that it agrees, upon grant of the requested exemption to the following terms and conditions specified in 10 CFR 503.32(d):

(1) Boiler No. 2 will be operated less than 600 hours full load equivalent annually;

(2) All steam pipes will be insulated and all steam traps properly maintained;

(3) The quality of any petroleum to be burned in the unit will be of the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements;

(4) Delaval shall report annually the hours of use and the fuel consumption in the previous calendar year for boiler No. 2; and

(5) Delaval will comply with any terms or conditions which may be imposed pursuant to the environmental requirements of 10 CFR 503.15(b).

ERA hereby gives notice that Delaval's petition for a permanent exemption for boiler No. 2 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

#### Tentative Staff Analysis

The ERA staff has examined the aforementioned certifications made by Delaval in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.32(c).

Accordingly, the ERA staff has completed a Tentative Staff Analysis which tentatively recommends that an order be issued, subject to the terms and conditions specified below, which would grant Delaval the requested permanent exemption for boiler No. 2.

#### 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), Delaval, in accordance with 10 CFR 503.32(d), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. The terms and conditions enumerated below will accordingly be attached to any order which would grant the requested exemption.

(1) Boiler No. 2 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 203 million Btu's per hour x 600 hours, the amount of natural gas or petroleum consumed in boiler No. 2 under the provisions of this exemption shall not, in the aggregate, exceed 121,800,000 Btu's annually.

(2) The quality of any petroleum to be burned in boiler No. 2 will be the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Delaval shall report annually the hours of use, the total amount of fuels consumed, and the total Btu value of such fuels, for boiler No. 2 in the previous calendar year. The report, to be executed by a duly authorized representative of Delaval, 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:

#### Annual Fuel Consumption

Hours of operation	Natural gas		Petroleum		
	Million cubic feet	British thermal unit value	Grade	Barrels	British thermal unit value

(4) Delaval will, prior to operating boiler No. 2 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.

**REPORT ADDRESS:** The annual report required by 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 67017-9205-02-12 shall be cited on each report.

On August 11, 1980, DOE published in the *Federal Register* (45 FR 53199) a notice of proposed amendments to the 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 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 on an annual basis, 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. Delaval has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by Delaval 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 Delaval's responses to the questions therein indicate that the operation of boiler No. 2 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. Therefore, unless substantial questions regarding the categorical exclusion in this instance are raised during the proceeding on Delaval's petition which would indicate otherwise, no additional environmental review is deemed to be required.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

The public file containing documents on this proceeding, supporting materials

and the Tentative Staff Analysis is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

Robert L. Davies,

Director, Office of Fuels Conversion,  
Economic Regulatory Administration.

[FR Doc. 81-18324 Filed 6-19-81; 8:45 am]

BILLING CODE 5450-01-M

### Truckstops Corp. of America; Action Taken and Opportunity for Comment on Consent Order

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

**ACTION:** 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.

**DATE:** Effective date July 22, 1981.

**ADDRESS:** Send written comments to: James C. Easterday, District Manager, Office of Enforcement, Southeast District, 1655 Peachtree Street NE., Atlanta, Georgia 30367.

**FOR FURTHER INFORMATION CONTACT:** James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, NE., Atlanta, Georgia 30367, Telephone (404) 881-2396.

**SUPPLEMENTARY INFORMATION:** On April 23, 1981 the Southeast District, Office of Enforcement of the ERA finalized a Consent Order with Truckstops Corporation of America, a retailer of petroleum products headquartered in Nashville, Tennessee. Under 10 CFR 205.199(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. Because of the settlement negotiations involved in this case and the desire to conclude this matter expeditiously, the DOE has determined that it is in the public interest to make the Consent Order with Truckstops Corporation of America, effective the date it was finalized.

#### I. The Consent Order

Truckstops Corporation of America (Truckstops), headquartered in Nashville, Tennessee is a retailer, and is subject to the jurisdiction of the DOE with regard to prices charged in sales of

covered products, pursuant to 10 CFR 212.93. To resolve certain civil actions which could be brought by the Office of Enforcement of the ERA as a result of its audit of Truckstops, the Office of Enforcement, ERA, and Truckstops entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to the sales of gasoline by Truckstops during the period November 1, 1973 through June 30, 1976.

2. From the audit conducted during the above period, the Office of Enforcement concluded that Truckstops improperly calculated maximum allowable selling prices, resulting in overcharges in sales of refined motor fuels.

3. Truckstops agrees that the settlement amount for alleged overcharges total \$486,430. Truckstops further agrees to deliver \$50,000 to the Department of Energy, Washington, D.C. upon execution of the Consent Order, additionally Truckstops agrees to deliver seven equal payments of \$54,553.74 each to the DOE between June 30, 1981 and December 30, 1982. Truckstops agrees that the final payment totalling \$54,553.82 will be made on March 31, 1983.

4. Truckstops agrees that all payments will be submitted to the Director, Office of Enforcement, ERA, Room 5302, 2000 M Street NW., Washington, D.C. 20461 or his duly authorized representative. The Director, Office of Enforcement shall direct that these payments by Truckstops be deposited in the DOE Special Refund escrow account with the U.S. Treasury to ensure just and equitable distribution in accordance with current DOE policies and procedures.

5. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

#### II. Disposition of Refunded Overcharges

In the Consent Order, Truckstops agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. and I.2. above, the sum of \$486,430 by March 31, 1981. Refund methodology will be as specified in I.3. and I.4., above. The amounts submitted to the Director, Office of Enforcement will be in the form of certified checks made payable to the U.S. Department of Energy and will be delivered to the Director, Office of Enforcement. 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.

The adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

### III. Submission of Written Comments

**A. Potential Claimants:** Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not 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 within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

**B. Other Comments:** The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim as specified in A and B above to Robert H. Burch, Management Analyst, Southeast District, Office of Enforcement, 1655 Peachtree Street NE., Atlanta, Georgia 30367. You may obtain a copy of this Consent Order with proprietary information deleted by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Truckstops Consent Order."

Comments received by 4:30 p.m., local time on July 22, 1981, will be considered. 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 Atlanta, Ga., on the 9th day of June 1981.

James C. Easterday,  
District Manager of Enforcement.

Concurrence:

Leonard F. Bittner,  
Chief Enforcement Counsel.

[FR Doc. 81-18320 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-01-M

### Federal Energy Regulatory Commission

[Docket No. ER81-527-000]

#### Consolidated Edison Co.; Filing

June 11, 1981.

**Note.**—The following document should have appeared in the issue for Wednesday, June 17, 1981. Instead, FR Doc. 81-17996, dealing with the Commonwealth Electric Co., was printed twice (see pages 31704 and 31705, June 17, 1981).

The filing Company submits the following:

Take notice that on June 8, 1981, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing four successive changes (Supplement No. 1 through Supplement No. 4) to its Rate Schedule FPC No. 2, an agreement to provide substation service to Central Hudson Gas & Electric Corporation (Central Hudson). Supplement No. 1 increased annual revenues from jurisdictional sales and service by \$173,694.52, effective December 7, 1973. Supplements No. 2 and No. 3 provided for relatively minor reductions in revenues Supplement No. 4 increased annual revenues from jurisdictional sales and service by \$226,576.32 effective March 2, 1980.

The changes in rates under all four supplements reflect physical changes in the facilities at Con Edison's Pleasant Valley substation; changes in the allocation of substation facilities to Central Hudson and, in the case of Supplement No. 4, an increase in Con Edison's rate of return.

Supplement No. 1 consists of an agreement which has been executed by Con Edison and by Central Hudson. A copy of this filing has been served by mail upon Central Hudson.

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 July 2, 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. 81-17981 Filed 6-16-81; 8:45 am]

BILLING CODE 1505-01-M

### National Petroleum Council, Economics Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Economics Task Group of the Committee on Arctic Oil and Gas Resources will meet in June 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Economics Task Group meeting follows:

The third meeting of the Economics Task Group will be held on Tuesday, June 30, 1981, starting at 9:00 a.m., in the 26th Floor Conference Room, Hamilton International Oil Company, 1600 Broadway, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review of the initial computer runs on economics.
3. Discussion of the preparation of the Task Group's report.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Economics Task Group will be permitted to do so, either before or after



the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633-383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on June 10, 1981.

Roger W. A. LeGassie,

*Acting Assistant Secretary for Fossil Energy.*

June 10, 1981.

[FR Doc. 81-18321 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL-1858-2; PF-231]

### Certain Pesticide Chemicals; Filing of Pesticide and Food Additive Petitions

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

**ACTION:** Notice.

**SUMMARY:** This notice announces that certain companies have submitted pesticide petitions to establish tolerances and food additive regulations for certain pesticide chemicals.

**ADDRESS:** Written comments and inquiries to: Franklin D. R. Gee, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-231]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Franklin D. R. Gee (703-557-7028).

**SUPPLEMENTARY INFORMATION:** The notice announces that the following pesticide and food additive petitions have been submitted to the EPA, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2507. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City, KS 66106, proposes amending 40 CFR 180.377 by establishing tolerances for the residues of the insecticide <sup>N</sup>[[4-chlorophenyl]amino]carbonyl]-2,6-difluorobenzamide in or on the raw agricultural commodities: oranges, grapefruit, animal tissue, milk, and eggs at 0.50 part per million (ppm). The proposed analytical method for determining residues is by gas chromatography.

FAP 1H5301. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City, KS 66106, proposing amending 21 CFR Part 193 be amended by establishing a regulation permitting residues of the insecticide <sup>N</sup>[[4-chlorophenyl]amino]carbonyl]-2,6-difluorobenzamide in or on dried citrus pulp (orange and grapefruit) at 0.30 ppm and citrus oil at 20.0 ppm.

PP 1F2505. Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW, Washington, DC 20036, proposes amending 40 CFR 180.379 by establishing a tolerance for the residues of the insecticide pyridin (cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate) in or on the raw agricultural commodity pecans at 0.2 part per million. The proposed analytical method for determining residues is by gas chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: June 10, 1981.

Douglas D. Campit;

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 81-18354 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-32-M

[EN-FRL-1858-5]

### Fuels and Fuel Additives; Waiver Application

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

**ACTION:** Notice.

**SUMMARY:** On April 27, 1981, Atlantic Richfield Company (ARCO) submitted an application for a waiver of the section 211(f) prohibition on certain fuels and fuel additives set forth in the Clean Air Act (Act). This application is for a blend of unleaded gasoline with methanol and tertiary butyl alcohol, such that a maximum ratio by volume of one methanol to gasoline grade tertiary butyl alcohol is not exceeded and a maximum concentration of up to 3.5 weight percent oxygen in finished unleaded gasoline is observed. The

Administrator of EPA has until October 25, 1981 to grant or deny a waiver.

**DATE:** Comments should be submitted on or before August 6, 1981.

**ADDRESS:** Copies of information relative to this application are available for inspection in public docket EN-81-10 at the Central Docket Section (A-130) of the EPA, Gallery I West Tower, 401 M St., SW, Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Comments should be sent to the attention of Susan A. Finder, Attorney/Advisor, Field Operations and Support Division (EN-397) (NMS), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460.

### FOR FURTHER INFORMATION CONTACT:

Susan A. Finder, Attorney/Advisor, Field Operations and Support Division (EN-397), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, (202) 472-9367.

**SUPPLEMENTARY INFORMATION:** Section 211(f)(1) of the Act makes it unlawful effective March 31, 1977, for any manufacturer of a fuel or fuel additive to first introduce into commerce or to increase the concentration in use of any fuel or fuel additive for use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975 or subsequent model year vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act provides that the Administrator of the EPA may waive the prohibitions of section 211(f)(1) upon application of any fuel or fuel additive manufacturer if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny a waiver within 180 days of receipt of the application, the waiver shall be treated as granted.

Richard D. Wilson,

*Acting Assistant Administrator for Enforcement.*

June 16, 1981.

[FR Doc. 81-18350 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-33-M



[PP 6G1679/T301; PH-FRL-1857-8]

**Glyphosate; Renewal of Temporary Tolerances****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** Temporary tolerances have been renewed for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in or on the crop groupings: cucurbits, forage legumes, fruiting vegetables, small fruits, and the individual raw agricultural commodity, hops at 0.1 part per million (ppm), and fish at 0.15 ppm.

**DATE:** These temporary tolerances expire January 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM NO. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice that published in the Federal Register of January 7, 1980 (45 FR 1453) that Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63116, had requested one-year renewal for temporary tolerances for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in or on the crop groupings: cucurbits, forage legumes, fruiting vegetables, small fruits, and the raw agricultural commodity, hops at 0.1 ppm, and fish 0.15 ppm.

Monsanto Co. has requested a renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit (524-EUP-29) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

A related document (FAP 6H5106/T66) renewing a food additive regulation for residues of glyphosate in potable water appears elsewhere in this issue of the Federal Register.

The scientific data reported and other relevant material has been evaluated and it has been determined that the temporary tolerances will protect the public health. Therefore, the temporary tolerances are renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Monsanto Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire January 1, 1983. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1184, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: June 10, 1981.

Douglas D. Camp, Jr.

Director, Registration Division, Office Pesticide Programs.

[FR Doc. 81-18396 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-32-M

**FEDERAL COMMUNICATIONS COMMISSION**

[Report No. A-33]

**AM Broadcast Applications Accepted for Filing and Notification of Cutoff Date**

Released: June 15, 1981.

Cutoff Date: July 24, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after July 24, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 24, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the close of business on July 24, 1981.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on July 24, 1981.

BP-800428AG (WUUV), Leone, American Samoa, Radio Samoa, Limited, Has: 1116 kHz, 10 kW, U, Req: 648 kHz, 10 kW, U  
BP-800825AF (new), Pago Pago, American Samoa, Quality Media Corporation, Req: 585 kHz, 50 kW, U

BP-810219AC (WMTR), Morristown, New Jersey, Drexel-Hill Associates, Inc., Has: 1250 kHz, 5 kW, DA-D, Req: 1250 kHz, 1 kW, 5 kW-LS, DA-2, U

BP-810312AD (new), Washington, Utah, Tri-State Broadcasting Co., Inc., Req: 1210 kHz, 0.25 kW, 10 kW-LS, U

BP-810330AE (WBLB), Pulaski, Virginia, Boyd Broadcasting Corporation, Has: 1510 kHz, 1 kW, D, Req: 1340 kHz, 250 W, 1 kW-LS, U  
BP-810330AI (new), Clinton, Mississippi, Wood Broadcasting Co., Req: 1150 kHz, 500 W, D

BP-810403AH (new), Houston, Texas, Tri-Star Communications, Inc., Req: 1180 kHz, 5 kW, 10 kW-LS, DA-2, U

BP-810406AB (KGRL), Bend, Oregon, Capps Broadcasting Group, Inc., Has: 940 kHz, 1 kW, D, Req: 940 kHz, 10 kW, DA-D

BP-810408AD (KSOP), South Salt Lake City, Utah, KSOP, Inc., Has: 1370 kHz, 500 W, 1 kW-LS, DA-N, U, Req: 1370 kHz, 500 W, 5 kW-LS, DA-N, U

BP-810422AA (WSJP), Murry, Kentucky, Jackson Purchase Broadcasting Co., Has: 1130 kHz, 250 W, D, Req: 1130 kHz, 250 W, DA-N, U

BP-810427AO (new), Newport, Washington, Michael P. Fontaine, Req: 700 kHz, 1 kW, 10 kW-LS, DA-N, U

BP-810429AG (KTMS), Santa Barbara, California, News-Press Publishing Co. Has: 1250 kHz, 1 kW, DA-1 U, Req: 1250 kHz, 1 kW, 2.5 kW-LS, DA-2, U

William J. Tricarico, Secretary, Federal Communications Commission.

[FR Doc. 81-18284 Filed 6-19-81; 8:45 am]

BILLING CODE 6712-01-M



## FEDERAL MARITIME COMMISSION

[Docket No. 81-39; Agreement Nos. 10333, 10333-1 and 10333-2]

**Calcutta/Bangladesh/U.S.A. Pool Agreement; Order of Investigation and Hearing**

Agreement No. 10333 was originally filed on May 15, 1978. It established the framework for a revenue pool in the inbound trade from Calcutta, India and ports in Bangladesh to the Atlantic and Gulf Coasts of the United States.<sup>1</sup> Agreement No. 10333-1, filed prior to approval of Agreement No. 10333, added Bangladesh Shipping Corporation, a Bangladesh-flag carrier, as a signatory and eliminated Cunard and Hellenic as participating carriers.<sup>2</sup>

The Agreement, as finally approved, established two pool sections, one for trade from Calcutta, India and one for trade from Bangladesh ports. Each section of the pool is managed by a separate committee. Overall management of the pool is handled by a governing committee. In addition to establishing the mechanics of the pool, the approved Agreement established revised flag pool shares to be implemented in place of those specified in the event that one or both of the nonparticipating members decided to participate.

Agreement Nos. 10333 and 10333-1 were approved for a period of 5 years on January 20, 1980.

**Agreement No. 10333-2**

Agreement No. 10333-2 has been filed for approval by the Commission. The proposed amendment names Marvin Lieberman, C.P.A., of New York, New York, "or other similar firms" as the pool accountants. The specification of Mr. Lieberman is described by the proponents of the Agreement as a correction of a previous drafting oversight.

The proposed amendment also increases from three weeks to four weeks the period of time following the sailing of a vessel within which pool data relating to that voyage is to be submitted. This provision is described by the proponents as a more realistic assessment of the time needed to collect and assemble pool data.

The third modification proposed in Agreement No. 10333-2 is the division of

the percentages of flag interest shares among the individual carriers flying the flags in question. The Agreement also provides that, in the event that one or both of the inactive members chooses to participate in the pool, the flag shares will be readjusted.

According to the proponents, the individual carrier shares have been established because they "are necessary for the operation of the pool year." The proponents have not indicated the basis on which these subdivisions of flag shares are based.

The specification of the accountant to be in charge of pool calculations and the adjustment of the time in which pool data is to be submitted are essentially administrative changes and, in any event, appear justified. However, the proponents have made no attempt to justify the proposed division of flag shares or to relate the shares agreed upon to present, historical or future commitments to the trade. An investigation is therefore necessary to determine whether Agreement No. 10333-2 should be approved.

**Agreement No. 10333**

Information has come to the attention of the Commission which indicates that there are also a number of problems with the basic Agreement. Although the basic Agreement was approved on January 20, 1980, no attempt was made to implement the pool until June 1, 1980. Almost immediately, one of the members, Waterman, became a substantial overcarrier. This situation was apparently occasioned in part by shipper preferences and carrier nominations appearing in letters of credit and in part by the failure of other pool members to offer adequate sailings during the period. Apparently, certain ports were receiving inadequate coverage and shippers were submitting complaints. Subsequent discussions established that these difficulties arose from the following:

1. Demands by a preponderance of shippers/consignees that cargo be transported by Waterman;
2. A decline in the amount of cargo ordinarily available to all pool members;
3. Waterman's attempts to mitigate its overcarrier position by limiting its service;
4. The failure of other pool members to cover ports in the trade;
5. Poor planning by the Bangladesh Pool Section Committee; and
6. Farrell's inability to serve Chalna, Bangladesh due to its vessel characteristics.

By letter of August 14, 1980, Waterman submitted its resignation from the Agreement. In response to

inquiry, Waterman stated that, while it favored a pool generally, it was withdrawing from the Agreement because the inefficient administration of the pool had forced it to become an overcarrier and the other pool members had not been cooperative in remedying the situation. Waterman withdrew its resignation following the establishment of an owners' oversight committee to oversee the pool committees, particularly the Bangladesh Pool Section committee. However, the Commission has continued to receive reports that Waterman is being prevented from providing needed services. Further, shippers have continued to submit complaints regarding inadequate service.

Article 5 of the basic Agreement states that "Each member shall be entitled to its 'Basic Entitlement' of the total earnings of the pool, irrespective of its actual earnings in said pool, subject to its (1) having duly provided cargo space in proportion to its basic entitlement of the total cargo estimated to be available for carriage in the trade; (2) having reasonably aimed at maintaining its earnings and liftings at the level represented by its basic entitlements; and (3) having not deliberately underlifted by failing to provide sailing and space in any agreed period as assessed by the appropriate committee." It appears, however, that the imposition of penalties for failure to meet these requirements is, in effect, totally within the discretion of the pertinent pool section and governing committees. While a certain amount of flexibility may be desirable, the discretionary element in this Agreement is so great that it may permit the use of the Agreement as a vehicle for discriminating against member lines.

In addition to the above, at the time that Agreements Nos. 10333 and 10333-1 were approved, contingent third flag-share entitlements were placed in the Agreement with provision for adjustments should either Hellenic or Cunard become active members of the pool. This arrangement was approved with the expectation that either or both would soon become participants. This has not yet occurred, and there is no indication that either carrier will soon become a participant. Thus, there appears to be no justification for the continued membership of these lines.

Accordingly, the Commission believes that Agreement No. 10333 and the amendments thereto should be set down for investigation and hearing. This investigation will include an examination of the present operating conditions in the trade, and the

<sup>1</sup> Original signers of Agreement No. 10333 were Cunard-Brockbank, Ltd. (Cunard); Farrell Lines, Inc. (Farrell); Hellenic Lines, Ltd. (Hellenic); Scindia Steam Navigation Co., Ltd. (Scindia); Shipping Corporation of India Limited (S.C.I.); and Waterman Isthmian Line (Waterman).

<sup>2</sup> These carriers remain members of the pool but have no assigned shares.



transportation needs, public benefits and/or regulatory purposes that may be occasioned by Agreements Nos. 10333, 10333-1 and 10333-2.

Now, therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether or not Agreements Nos. 10333, 10333-1 and 10333-2 shall be approved, disapproved, or modified under the provisions of section 15:

It is further ordered, That the proponents of these Agreements and the parties to this proceeding shall address *inter alia* the following questions:

1. What is the basis for the individual carrier shares specified in Agreement 10333-2?

2. What are the intentions of Hellenic and Cunard in regard to the trades covered by Agreement No. 10333?

3. What criteria were used to determine the "Basic Entitlement" for each carrier?

4. What steps have been taken to ensure that carriers in the pool will not be undercarriers?

5. What criteria will be used to determine whether, under Article 5 of Agreement No. 10333, a carrier has reasonably attempted to maintain its earnings and liftings?

6. What criteria will be used to determine whether a carrier has deliberately underlifted by failing to provide sailings and space?

7. What is the justification for omitting the above criteria from Agreement No. 10333 and the amendments thereto?

8. What is the justification for the latitude regarding the imposition of penalties granted the general and governing committees of the Agreement?

9. Has Waterman been prevented by its membership in Agreement No. 10333 from offering service to shippers who have otherwise been unable to obtain adequate service?

10. Has Waterman been limited to carriage of a specific amount of cargo prior to the approval of individual carrier shares by the Commission?

11. Have the terms of Agreement No. 10333-2 been implemented in any way prior to approval of that Agreement by the Commission?

It is further ordered, That the carriers listed in the Appendix attached hereto are hereby made Proponents;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge,

but no later than 180 days after service of this order. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions or other documents, or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, That notice of this Order be published in the Federal Register, and a copy be served upon all parties of record;

It is further ordered, That any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as mailed directly to all parties of record.

By the Commission.

Joseph C. Polking,  
Acting Secretary.

#### Appendix I—Proponents

##### Bangladesh Shipping Corporation

c/o Peralta Shipping Corp., Agents, 25  
Broadway, New York, New York 10004.  
Attn: William B. Galvin, Vice President

##### Cunard-Brocklebank, Ltd.

c/o TTT Ship Agencies, Inc., Agents, 71  
Broadway, New York, New York 10006,  
Attn: R. F. Weiss, President

##### Farrell Lines, Inc.

One Whitehall Street, New York, New York  
10004, Attn: Michael J. Esposito, Sr. Vice  
President

##### Hellenic Lines, Ltd.

39 Broadway, New York, New York 10006

##### Scindia Steam Navigation Co., Ltd.

c/o United States Navigation, Inc., Agents, 17  
Battery Place, New York, New York 10004.  
Attn: T. M. Jacques, Vice President

##### Shipping Corporation of India Limited

c/o Norton, Lilly & Co., Inc., Agents, 90 West  
Street, New York, New York 10006, Attn:  
M. Edward Bilkey, President

##### Waterman Isthmian Line, Division of Waterman Steamship Corporation

120 Wall Street, New York, New York 10005,  
Attn: J. M. Farrell, Executive Vice President

[FR Doc. 81-18409 Filed 6-19-81; 8:45 am]

BILLING CODE 6730-01-M

## DEPARTMENT HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Clinical Trials Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Trials Committee, National Cancer Institute, July 9, 1981, Landow Building, Conference Room A, 7910 Woodmont Avenue, Bethesda, Maryland 20205. The meeting will be open to the public on July 9, from 1:00 p.m. to 1:30 p.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on July 9, from 1:30 p.m. to adjournment, for the review, discussion and evaluation of an individual contract proposal. This proposal and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposal, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Gerald U. Liddel, Executive Secretary, National Cancer Institute, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7575) will furnish substantive program information.

Dated: June 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-18339 Filed 6-19-81; 8:45 am]

BILLING CODE 4110-06-M



### General Research Support Review Committee; Meeting Rescheduled

Notice is hereby given of a change in the date of the meeting which was to be held June 25-26, 1981, Conference Room 9, Bldg 31, National Institutes of Health, Bethesda, Maryland 20205, which was published in the *Federal Register* on May 22, 1981, 46 FR 28017. The meeting will be held on July 30-31, 1981, Conference Room 9, Bldg 31, National Institutes of Health, Bethesda, Maryland 20205, and will be open to the public from 9:00 a.m. to approximately 1:30 p.m. on July 30, 1981, to discuss policy matters relating to the Minority Biomedical Support Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on July 30, 1981, from approximately 1:30 p.m. to 5:00 p.m. and on July 31 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs No. 13.375, Minority Biomedical Support Program, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: June 9, 1981.

Thomas E. Malone,  
Deputy Director, National Institutes of Health.

[FR Doc. 81-18325 Filed 6-19-81; 8:45 am]  
BILLING CODE 4110-08-M

### Microbiology and Infectious Diseases Advisory Committee; Meeting Changed

Notice is hereby given of changes in the "open" and "closed" portions of the Microbiology and Infectious Diseases Advisory Committee meeting which was published in the *Federal Register* on April 30, 1981 (46 FR 24302).

On July 9 the meeting was to have been open from 8:30 a.m. to 9:30 a.m. and on July 10 from 8:30 a.m. to 9:30 a.m. to discuss program policies and issues.

The Committee meeting was to have been closed to the public on July 9 from approximately 9:30 a.m. until adjournment and on July 10 from 9:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications and contract proposals.

On July 9 the meeting will be open to the public from 8:30 a.m. to approximately 9:00 a.m. to discuss program policies and issues and from 1:30 p.m. to 3:30 p.m. for the review of the "Animal Models for Antivirals".

On July 9 the meeting will be closed from approximately 9:00 a.m. until 1:30 p.m. and from 3:30 p.m. until adjournment. On July 10 the meeting will be closed entirely for the review, discussion, and evaluation of individual grant application and contract proposals.

(Catalog of Federal Domestic Assistance Program No. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, NIH)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: June 12, 1981.

Thomas E. Malone,  
Deputy Director, National Institutes of Health.

[FR Doc. 81-18327 Filed 6-19-81; 8:45 am]  
BILLING CODE 4110-08-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[F-14952-A]

### Alaska; Alaska Native Claims Selection

On May 20, 1974, the Unalakleet Native Corporation, for the Native village of Unalakleet, filed selection application F-14952-A under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1978)) (ANCSA), for the surface estate of certain lands in the vicinity of Unalakleet.

As to the lands described below, the application submitted by the Unalakleet Native Corporation, as amended, is properly filed, and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), containing approximately 5 acres, is

considered proper for acquisition by the Unalakleet Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

U.S. Survey No. 4394 situated on the easterly shore of Norton Sound at Unalakleet, Alaska, excluding ANCSA Sec. 3(e) application AA-18470.

Containing approximately 5 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Unalakleet Native Corporation is entitled to conveyance of 161,280 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 5 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 161,275 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act,



conveyance of the subsurface estate of the lands described above shall be granted to Bering Straits Native Corporation when conveyance is granted to Unalakleet Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies within the described lands considered to be navigable.

In accordance with Department regulation 43 CFR 2850.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until July 22, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is to be taken, the adverse parties to be served are:

Unalakleet Native Corporation, P.O. Box 100,  
Unalakleet, Alaska 99684

Bering Straits Native Corporation, P.O. Box  
1008, Nome, Alaska 99762

Sandra C. Thomas,  
Acting Chief, Branch of Adjudication.

[FR Doc. 81-18356 Filed 6-19-81; 8:48 am]  
BILLING CODE 4310-84-M

### Wyoming; Management Framework Plans for the Big Sandy and Salt Wells Resource Areas

**AGENCY:** Bureau of Land Management,  
Interior.

**ACTION:** Notice of Open House and  
Public Hearing on Proposed Coal  
Management Decisions.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of the open house and public hearing on the proposed coal management decisions contained in the revised Management Framework Plans for the Big Sandy and Salt Wells Resource Areas.

**DATES:** Both the open house and public hearing are scheduled for July 8, 1981, in Rock Springs, Wyoming. Open House 8 a.m. to 4 p.m., Public Hearing 6 p.m. to conclusion.

The open house will be held at the BLM Big Sandy and Salt Wells Resource Area conference room on July 8, 1981, and will open at 8 a.m. and conclude 4 p.m. The BLM staff will be available to answer questions on the proposed coal management decisions. The proposed coal decisions affect the Rock Springs Known Recoverable Coal Resource Area (KRCRA) and have been summarized in the following brochures: "Coal, Wyoming Land Use Decisions, Big Sandy Resource Area, Management Framework Plan;" and "Coal, Wyoming Land Use Decisions, Salt Wells Resource Area, Management Framework Plan." These brochures are available at the BLM's Rock Springs District Office. Comments on the proposed decisions will be accepted during the 30-day public comment period beginning June 22, 1981.

The Rock Springs KRCRA covers portions of both the Big Sandy and Salt Wells Resource Areas. From the City of Rock Springs, the area extends north to Steamboat Mountain (approximately 30 miles) and south, nearly to Pine Mountain (approximately 30 miles). The coal recommendations contained in the Management Framework Plans (MFP) were revised to reflect current statutory requirements and policies, and to carry out the requirements of Section 522 of the Surface Mining Control and Reclamation Act of 1977. The standards and procedures for this MFP revision are contained in the *Federal Register* Vol. 44, No. 140, 42584-42652 of July 19, 1979;

and Vol. 44, No. 153, 46386-46401 of August 7, 1979. The standards for this revision are also discussed in a final environmental statement describing the Secretary of the Interior's preferred coal program and alternatives, released in April 1979.

The public hearing will convene at 6 p.m. July 8, 1981, at the Holiday Inn and will conclude after all testimony has been offered for the official record. Oral and written testimony will be received. Any person having an interest that will or may be adversely affected by the proposed decisions, should they be adopted, will be afforded the opportunity to express their concerns at the hearing. The hearing will also allow other interested person to make their comments for the record with regard to the proposed decisions. Advance registration of those persons wishing to testify is required. Speakers will be heard in the order of registration. After the registered witnesses have been heard, the presiding officer will consider the requests of any other persons present and wishing to testify. Oral testimony is limited to ten minutes; however, oral testimony may be supplemented by filing a written text of any prepared comments offered at the hearing. Any single organization's viewpoint must be presented by a single representative. Other members of that organization may present their views or opinions as a private citizen.

Registration forms may be obtained at the Rock Springs District Office and will also be available at the hearing. Registration forms should identify the organization represented (if any) and should be signed by the prospective witness. Persons wishing to register in advance of the hearing may submit their registration request prior to close of business on July 6, 1981, to Steve Ellis, BLM, Rock Springs District Office, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901. Anyone who is unable to attend the hearing may submit written comments to the above address within the 30-day public comment period ending July 21, 1981. All written comments received during this period will be included in the official record.

**DATES:** July 8, 1981 (Open House 8 a.m. to 4 p.m.; Public Hearing 6 p.m. to conclusion of testimony).

#### ADDRESSES:

##### Open House

BLM, Rock Springs District Office,  
Highway 187 N., P.O. Box 1869, Rock  
Springs, WY 82901.



**Public Hearing**

Holiday Inn, 1675 Sunset Drive, Switch Room, Rock Springs, WY 82901.

**FOR FURTHER INFORMATION CONTACT:**

Steve Ellis, Bureau of Land Management, Rock Springs District Office, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901, phone (307) 382-5350.

Jerry K. Ostrom,

Assistant District Manager.

[FR Doc. 81-18361 Filed 6-19-81; 8:45 am]

BILLING CODE 4310-84-M

**[Notice of Realty Action N-29324]****Nevada; Exchange of Public and Private Lands in Douglas and Clark Counties****Correction**

In FR Doc. 81-16510, appearing in the issue of Wednesday, June 3, 1981, on page 29770, make the following changes:

1. In column one on page 29770 change the land description in the paragraph beginning "the following described lands", to read as follows:

T. 13 S., 71 E., Mount Diablo Meridian, Nevada

Section 9: Lot 2 (the east 300' north of the I-15 highway right-of-way),

Lot 3 (that portion north of the I-15 highway right-of-way),

S½ S½ SW¼ NE¼,

S½ SW¼ SE¼ NE¼,

SE¼ SE¼ SE¼ NW¼,

E½ E½ NE¼ SW¼,

W½ NE¼ SE¼ (that portion north of I-15 highway right-of-way),

NW¼ SE¼ (that portion north of I-15 highway right-of-way)

comprising 82.5 acres of public land.

2. In column one on page 29770 change the land description in the paragraph beginning "In exchange for", to read as follows:

T. 13N., R. 19 E., Mount Diablo Meridian, Nevada

Section 9: NW¼ NW¼

T. 14N., R. 19 E., Mount Diablo Meridian, Nevada

Section 28: SE¼ NE¼

comprising 80.0 acres of private land.

BILLING CODE 1505-01

**National Park Service****Chesapeake and Ohio Canal National Historical Park Commission; Meeting**

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Wednesday, July 15, 1981, at 7:30 p.m. at the Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mr. Donald R. Frush, Chairman,

Hagerstown, Maryland

Mrs. Constance Morella, Bethesda, Maryland

Miss Nancy Long, Glen Echo, Maryland

Mrs. Constance Lieder, Baltimore, Maryland

Mr. James B. Coulter, Annapolis, Maryland

Mrs. Dorothy Grotos, Arlington, Virginia

Miss Margaret Dietz, Lovettsville, Virginia

Mr. William H. Ansel, Jr., Romney, West Virginia

Mr. Silas Starry, Shepherdstown, West Virginia

Mr. Donald H. Shannon, Washington, D.C.

Mr. Rockwood H. Foster, Washington, D.C.

Mr. Kenneth S. Rollins, Brookmont, Maryland

Mr. Edwin F. Wesely, Jr., Brookmont, Maryland

Mrs. Minny Pohlmann, Dickerson, Maryland

Dr. James H. Gilford, Frederick, Maryland

Mr. R. Lee Downey, Williamsport, Maryland

Mr. John D. Frye, Gapland, Maryland

Ms. Bonnie Troxell, Cumberland, Maryland

Mr. John D. Millar, Cumberland, Maryland

Matters to be discussed at this meeting include:

1. Cumberland/North Branch area plan

2. Williamsport area plan

3. Brunswick area plan

4. Great Falls area plan—Decision Document

5. William O. Douglas Memorial Fund

6. Policy Statement on Commercial Intrusions

7. Bicycle Safety policy

The meeting will be open to the public. Any member of the public may file with the Commission, a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782, telephone 301/739-4200.

Minutes of the meeting will be available for public inspection four (4) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: June 11, 1981.

Stephen E. Lynch,

Acting, Regional Director, National Capital Region.

[FR Doc. 81-18361 Filed 6-19-81; 8:45 am]

BILLING CODE 4310-07-M

**INTERSTATE COMMERCE COMMISSION**

[Volume No. OP1-177]

**Motor Carriers; Permanent Authority Decisions; Decision-Notice**

Decided: June 11, 1981.

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.

By the Commission, Review Board No. 1. Members Parker, Chandler and Fortier (Fortier not participating).

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".

MC 133200 (Sub-2), filed June 1, 1981. Applicant: McBROOM INDUSTRIES LTD., d.b.a. BENTON VAN LINES, 7300 Lomas Blvd., N.E., Albuquerque, NM 87110. Representative: Harold E. McBroom (same address as applicant), (505) 268-6701. 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.

[FR Doc. 81-18386 Filed 6-19-81; 8:45 am]  
BILLING CODE 7035-01-M

[Volume No. OP2-66]

#### Motor Carriers; Permanent Authority; 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 previous notice in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 30 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days of publication. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

By the Commission.  
Agatha L. Mergenovich,  
Secretary.

MC 151832 (republishing) filed September 12, 1980, published in the Federal Register issue of September 30, 1980, and republished this issue. Applicant: RODGERS CONSTRUCTION, INC., P.O. Box 17387, Nashville, TN 37217. Representative: Joe B. Enloe, 155 Park South Court, Nashville, TN 37210. A Decision of the Commission, Review Board No. 3, decided December 16, 1980, 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 machinery and supplies, as described in Items 35 and 36 of the Standard Transportation Commodity Code Tariff between points in Florida, Georgia, Texas, Louisiana, Missouri, Kentucky, Alabama, Arkansas, Iowa, Illinois, Tennessee, and Virginia, on the one hand, and, on the other, points in the United States; that applicant is fit, willing, and able properly to perform such 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 specify the territorial scope of the authority granted.

[FR Doc. 81-18386 Filed 6-19-81; 8:45 am]  
BILLING CODE 7035-01-M

#### Washington; Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

June 17, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C. Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

43918, Southwestern Freight Bureau, Agent's No. B-125, rates on sugar, invert, from Colorado and Kansas origins to Dallas and Ft. Worth, TX and returned

shipments in the reverse direction. Proposed rates are published in tariff I.C.C. SWFB 4412, to become effective July 6, 1981. Grounds for relief—market competition.

By the Commission.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-18387 Filed 6-19-81; 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 environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated



operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

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. OPY-2-101

Decided: June 11, 1981.

MC 682 (Sub-27T), filed June 2, 1981. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, D.C. 20036, (202) 887-5868. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with International Business Machines Corporation, of Princeton, NJ.

MC 47583, (Sub-147), filed June 1, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hulst, P.O. Box 225, Lawrence, KS 66044, (913) 843-0110. (1) *pulp, paper and related products*, and (2) *waste or scrap materials not identified by industry producing* between points in the U.S.

MC 52793 (Sub-76F), filed June 2, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), (312) 547-2184. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Midwest Airfreight Shipper's Association, of Bloomington, MN.

MC 52793 (Sub-77F), filed June 2, 1981. Applicant: BEKINS VAN LINES CO., 333

S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant). Transporting *household goods*, between points in the U.S., under continuing contract(s) with Heublein, Inc., of Hartford, CT.

MC 109533 (Sub-142), filed June 3, 1981. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Ave., Richmond, VA 23224. Representative: John C. Burton, Jr., P.O. Box 1216, Richmond, VA 23209, 804-231-8281. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S., in and east of MN, IA, KS, OK, and TX.

**Note.**—Issuance of this certificate is subject to coincidental cancellation of applicant's written request of Certificate No. MC-109533 and MC-109533 (Sub-Nos. 11, 22, 23, 36, 45, 48, 71, 74, 80, 94, 100, 120, 122, 127, and 132).

MC 116063 (Sub-169F), filed June 1, 1981. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant), (817) 335-4821. Transporting *food and related products*, between points in Hamilton County, TN, on the one hand, and, on the other, points in the U.S.

MC 118202 (Sub-177), filed June 5, 1981. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge St., P.O. Box 406, Winona, MN 55987. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, 612-927-8855. Transporting *food and related products* (1) between Denver, CO, and points in Morgan County, CO, on the one hand, and, on the other, points in the U.S., and (2) between points in Logan County, CO, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 139482 (Sub-192F), filed June 5, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel (same address as applicant), (507) 354-8546. Transporting *paint, paint products, and commodities* used in their manufacture, between St. Louis, MO, on the one hand, and, on the other, points in the U.S.

MC 142672 (Sub-172), filed June 1, 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 *food and related products*, between points in Somerset County, MD, Camden County, NJ, Bucks County PA, and Philadelphia, PA, on the

one hand, and, on the other, points in the U.S.

MC 143982 (Sub-3), filed June 2, 1981. Applicant: DONALD SCHIRR, R.R. 2, Iuka, IL 62849. Representative: Leslieann G. Maxey, 907 South 4th St., Springfield, IL 62703, 217-528-8476. Transporting *Mercer commodities*, between points in the U.S.

MC 144913 (Sub-7), filed June 1, 1981. Applicant: COMPTON TRUCKING, INC., 5300 Kennedy Rd., Forest Park, GA 30050. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, 404-949-7756. Transporting *general commodities* (except classes A and B explosives), between points in AL, FL, GA, MS, NC, SC, and TN.

MC 147712 (Sub-26F), filed June 1, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant). Transporting *cleaning, scouring, or washing compounds and rug cleaners*, between points in the U.S., under continuing contract(s) with Rug Doctor, Inc. of Fresno, CA.

MC 147712 (Sub-27F), filed June 1, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant). Transporting *general commodities*, between points in the U.S., under a continuing contract(s) with Ferro Corporation, of Cleveland, OH.

MC 150812 (Sub-2), filed May 29, 1981. Applicant: FROST TRANSPORTATION, INC., P.O. Box 3400, Shreveport, LA 71103. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Automotive Battery Products Co., of Los Angeles, CA.

MC 151392 (Sub-3F), filed June 4, 1981. Applicant: ALPHA MOTOR WAYS, INC., 25 County Ave., Secaucus, NJ 07094. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791-2270. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Keystone Lighting Corporation, of Bristol, PA.

MC 152942F, filed June 1, 1981. Applicant: TOGO TRUCKING CO., Route 3, St. Joseph, MO 64505. Representative: James H. Counts, 320 Robidoux Center, St. Joseph, MO 64501, (816) 232-8411. Transporting *food and related products*, between points in the



U.S., under continuing contract(s) with Krause Co., of Milwaukee, WI.

MC 153122 (Sub-1), filed June 1, 1981. Applicant: WESTERN WHOLESAL TRANSPORT DIVISION, INC., Rt. 9 Bx 107, Idaho Falls, ID 83401.

Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111. Chemicals and related products, between points in the U.S., under contract(s) with Magna Corporation, of Bakersfield, CA.

MC 156222F, filed May 27, 1981. Applicant: DALE "A" BARNES, d.b.a. DALE BARNES TRUCKING, 301 Bartlett Ave., P.O. Box 35, Clifton, KS 66937. Representative: Dale "A" Barnes (same address as applicant), (913) 455-3561. Transporting fertilizer and fertilizer products, between points in Eddy and Lea Counties, NM, and Woodward County, OK, on the one hand, and, on the other, points in KS.

MC 156252F, filed June 2, 1981. Applicant: JERRY GREEN, d.b.a. GREEN TRANSPORT, P.O. Box 4, Roanoke, IN 46783. Representative: Charles W. McNaghy, P.O. Box 2263, 395 Lincoln Bank Tower, Fort Wayne, IN 46801, (219) 423-9551. Transporting (1) food and related products, and (2) pulp, paper and related products, between points in the U.S., under continuing contract(s) with Kraft, Inc., Dairy Group, of Huntington, IN.

MC 156272F, filed June 2, 1981. Applicant: J. D. BRIGHT, d.b.a. J. D. BRIGHT TRUCKING, 222 34th St., Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting general commodities (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Florida-Texas Freight, Inc., of Miami, FL.

MC 156332F, filed June 4, 1981. Applicant: JULIAN MONTOYA, d.b.a. MONTOYA TRANSPORT COMPANY, 780 Grant Street, Denver, CO 80203. Representative: Julian Montoya (same address as applicant). Transporting office machinery, between points in the U.S., under continuing contract(s) with Pitney Bowes, Inc., of Denver, CO.

#### Volume No. OPY-2-105

Decided: June 11, 1981.

MC 127193 (Sub-5F), filed June 4, 1981. Applicant: LEONARD BROS. MOVING & STORAGE CO., 7060 West Fort Street, Detroit, MI 48209. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349-3980. (1) 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., (2) Transporting, used household goods for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 156153, filed May 27, 1981. Applicant: ALLEN STANECKI, d.b.a. IGLOO EXPRESS, 53 Jefferson Ave., Kearny, NJ 07032. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, 212-941-9291. Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle, in such vehicle, between points in the U.S.

MC 156242F, filed May 29, 1981. Applicant: GERALD R. MALIN, 7697 Jensen Drive, Tucson, AZ 85704. Representative: Stephanie E. Malin (same as applicant) (602) 742-4472. Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156273, filed June 1, 1981. Applicant: BARRY ALAN KATZ, d.b.a. NEW BOSTON TRUCK BROKERAGE CO., 968 Massachusetts Avenue, Boston, MA 02118. Representative: Barry Alan Katz (same address as applicant) (617) 442-2828. As a broker of general commodities (except household goods), between points in the U.S.

MC 156343, filed June 5, 1981. Applicant: JOHN E. JESERSKI, 378 North West Street, Feeding Hills, MA 01030. Representative: Bonnie E. Marien, 95 State Street, Springfield, MA 01103, (413) 781-0750. As a broker of general commodities (except household goods) between points in the U.S.

[FR Doc 81-18389 Filed 6-19-81; 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 environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority is 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. OPY-2-102

Decided: June 9, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 8973 (Sub-81), filed June 4, 1981. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad St., Fairview, NJ 07022. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *such commodities* as are dealt in or used by manufacturers of plastic and plastic articles and chemicals, between the facilities of Arco Polymers, Inc., and Arco Chemical Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-722), filed June 2, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of electrical equipment, between points in Northumberland County, PA, on the one hand, and, on the other, points in WV, VA, MD, DE, NC, SC, GA, FL, and AL.

MC 107012 (Sub-723), filed June 2, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *machinery*, between points in Freeborn County, MN, and Allendale County, SC, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-724), filed June 2, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *such commodities*, as are dealt in or used by manufacturers and distributors of carpet padding, between Norfolk, VA, on the one hand, and, on the other, points in CA, LA, and TX.

MC 115803 (Sub-23), filed May 27, 1981. Applicant: TURNER BROS. TRUCKING COMPANY, INC., P.O. Box 94626, Oklahoma City, OK 73143. Representative: J. Michael Alexander, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339-4108. Transporting (1) *mercer commodities* and (2) *earth drilling machinery and equipment*, and

*machinery, equipment, materials and supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in OR, WA, ID, NV, AZ, MT, WY, UT, CO, NM, ND, SD, NE, KS, OK, and TX.

MC 124673 (Sub-63), filed June 4, 1981. Applicant: FEED TRANSPORTS, INC. P.O. Box 2167, Amarillo, TX 79105. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768, (512) 476-6083. Transporting *fertilizer, fertilizer ingredients and compounds* between points in the U.S., under continuing contract(s) with Ruffin, Inc., of Dodge City, KS.

MC 124673 (Sub-64), filed June 4, 1981. Applicant: FEED TRANSPORTS, INC. P.O. Box 2167, Amarillo, TX 79105. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768, (512) 476-6083. Transporting *anhydrous ammonia, fertilizer, and feed ingredients* between points in the U.S., under continuing contract(s) with Cominco-American, of Beatrice, NE.

MC 124692 (Sub-367), filed May 21, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317-846-6655. Transporting *building materials* between those points in the U.S. in and west of MI, IN, IL, AR, MO, and TX.

MC 141143 (Sub-3), filed June 4, 1981. Applicant: WATKINS TRANSFER, INC., 116 Druid St., P.O. Box 6219, Jacksonville, FL 32205. Representative: George W. Watkins, Jr. (same as applicant), (904) 388-1591. Transporting *pulp, paper and related products* between Jacksonville, FL, on the one hand, and, on the other, points in GA.

MC 142703 (Sub-35), filed June 2, 1981. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* except classes A and B explosives, between points in the U.S.

MC 143433 (Sub-16), filed May 27, 1981. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING COMPANY, 310 South First Avenue, Stroud, OK 74079.

Representative: Grey E. Summy, P.O. Box 1540, Edmond, OK 73034. Transporting *food and related products* between Los Angeles and San Francisco, CA, Miami and Tampa, FL, New Orleans, LA, Oklahoma City, OK, and points in Harrison and Jackson Counties, MS, McCook County, SD, and NE, TX, and CO, on the one hand, and, on the other, points in AL, AR, CA, FL, IL, IN, KY, MI, MN, MS, MO, NE, NJ, NY, OH, OK, PA, TN, TX, and WI.

MC 147702 (Sub-2), filed May 13, 1981. Applicant: DOUBLE AA PARKING & TRUCKING, INC., 465 W Second St., Calexico, CA 92231. Representative: Arturo Riosco (same address as applicant), 714-357-2244. Transporting *general commodities* (except classes A and B explosives), between points in Imperial County, CA, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and the Republic of Mexico, at or near Calexico, CA.

MC 153632, filed May 15, 1981. Applicant: DISTRIBUTION TRUCKING, INC., 3800 S.E. 22nd Ave., Portland, OR 97202. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258. Transporting *general commodities* (except classes A and B explosives), between points in OR, WA, and ID.

MC 155482, filed June 1, 1981. Applicant: COMSTOCK TRUCKING, Industrial Park, Caledonia, MN 55921. Representative: Joseph E. Ludden, P.O. Box 1567, 2707 South Ave., La Crosse, WI 54601, (608) 788-2000. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of feed and fertilizer, between points in Houston, Fillmore, and Winona Counties, MN and La Crosse, Monroe, and Vernon Counties, WI.

MC 155492 (Sub-1), filed June 4, 1981. Applicant: L. DEAN WILSON, DELMER WILSON, BRENT WILSON & BARRY WILSON, d.b.a. D.B.D. TRUCKING, 10 W. Sandy Lane, Salina, UT 84654. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *coal and coal products*, between points in CA, ID, CO, NM, and UT.

MC 156302, filed June 3, 1981. Applicant: TODD TRANSPORT, INC., 2229 Edgewood Ave. South, Minneapolis, MN 55426. Representative: James E. Ballenthin, 830 Osborn Bldg., St. Paul, MN 55102, (612) 227-7731. Transporting *food and related products*, between points in the U.S.

MC 156322, filed June 4, 1981. Applicant: CERAMO TRUCKING COMPANY, INCORPORATED, P.O. Box



384, Jackson, MO 63755. Representative: Stone Manes (same address as applicant), (314) 243-3138. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ceramo Company, Incorporated, of Jackson, MO.

#### Volume No. OPY-2-103

Decided: June 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 8933 (Sub-2), filed June 3, 1981. Applicant: ART KOHLER TRUCKING, INC., P.O. Box 68, Audubon, MN 56511. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237-4223. Transporting *general commodities* (except classes A and B explosives), between points in IA, MN, ND, OH, SD, and WI, on the one hand, and, on the other, points in the U.S.

MC 115703 (Sub-24), filed June 2, 1981. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 6331, Wyomissing, PA 19610. Representative: Bernard L. Quaglia (same address as applicant), (215) 376-3801. Transporting *machinery*, between points in Guilford County, NC, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and DC.

MC 142672 (Sub-173), filed June 4, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *food and related products*, between the facilities of Buitoni Foods, Inc., at points in the U.S., on the one hand, and, on the other, points in AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NV, NJ, NM, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV, WI, and DC.

MC 142672 (Sub-174), filed June 4, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. Transporting *general commodities*, between the facilities of The Kroger Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146853 (Sub-7), filed June 3, 1981. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Rte. 1, Runnells, IA 50327. Representative:

Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *food and related products*, between Denver, CO, Minneapolis, MN, St. Louis, MO, and points in Weber County, UT, Cass County, ND, Scotts Bluffs County, NE, and Marshall County, IA, on the one hand, and, on the other, points in IA, IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 147452 (Sub-10), filed June 3, 1981. Applicant: W. D. W. TRUCKING, INC., 2620 S.W. 66th Terrace, Miramar, FL 33023. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd. NE., Atlanta, GA 30326, (404) 262-7855. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of resin compounds, between Atlanta, GA, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, IA, and MN.

MC 150783 (Sub-17), filed May 27, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant), (501) 636-1979. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of metal office furniture and school furniture, between points in Faulkner County, AR, on the one hand, and, on the other, points in the U.S.

MC 151352 (Sub-9), filed June 3, 1981. Applicant: E. L. M. TRUCKING, INC., P.O. Box 4048, Opelika, AL 36801. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104. Transporting (1) *lumber and wood products*, and (2) *furniture or fixtures*, between points in Marion County, GA, on the one hand, and, on the other, points in the U.S.

MC 151352 (Sub-10), filed June 4, 1981. Applicant: E. L. M. TRUCKING, INC., P.O. Box 4048, Opelika, AL 36801. Representative: Terry P. Wilson, 428 So. Lawrence St., Montgomery, AL 36104. Transporting *metal products*, between points in Montgomery County, AL, on the one hand, and, on the other, points in the U.S.

MC 152953, filed June 3, 1981. Applicant: R-T-I, INC., 7019 S. Alameta St., Los Angeles, CA 90001. Representative: R. K. Davies (same address as applicant), (800) 372-6443, (213) 588-7258. Transporting *such commodities* as are dealt in by packing houses and retail and wholesale food stores, between Los Angeles, CA, on the one hand, and, on the other, points in AZ.

MC 154272, filed June 4, 1981. Applicant: WHITLOCK TRUCKING,

d.b.a. WHITLOCK, INC., P.O. Box 4217, Casper, WY 82604. Representative: Jack R. Whitlock (same address as applicant), (307) 234-5103. Transporting *Mercer commodities* between points in the WY, on the one hand, and, on the other, points in UT, CO, ID, MT, ND, SD, NE, NM, NV, and AZ.

MC 155362 (Sub-2), filed May 29, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Rd., Lebanon, IN 46052. Representative: James P. Beck, 717 17th St., Suite 2600, Denver CO 80202, (303) 892-6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Wickes Companies Inc., of San Diego, CA, and its subsidiaries.

MC 156292, filed June 2, 1981. Applicant: CENTRAL JERSEY TRANSFER, INC., P.O. Box 219, Lebanon, NJ 08833. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005, (202) 783-7900. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT, WV, and DC.

MC 156313, filed June 4, 1981. Applicant: FALCON, INC., R.D. #1, Rte. 19, Harmony, PA 16037. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281-9494. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kardex Systems, Inc., of Marietta, OH, and J. S. McCormick Company and Western Mining Corporation, both of Pittsburgh, PA.

MC 156353, filed June 5, 1981. Applicant: BELL CREEK, INC., 720 W. Elkhorn St., Arlington, NE 68002. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, (402) 397-9900. Transporting *food and related products*, between points in Finney County, KS, on the one hand, and, on the other, points in the U.S.

#### Volume No. OP1-176

Decided: June 11, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

FF 500 (Sub-1), filed June 2, 1981. Applicant: SURF-AIR, INC., P.O. Box 6542, Atlanta, GA 30315. Representative: Fritz R. Kahn, 1660 L St., N.W., Suite 1100, Washington, D.C. 20036, (202) 452-7400. As a freight forwarder in connection with the transportation of



general commodities (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S.

MC 15511 (Sub-32), filed June 1, 1981. Applicant: CARSTENSEN FREIGHT LINES, INC., Highway 30 West, P.O. Box 878, Clinton, IA 52832. Representative: Paul J. Maton, Ten South LaSalle St., Suite 1620, Chicago, IL 60603, (312) 332-0905. Transporting *general commodities* (except classes A and B explosives), between Beloit, WI, Vincennes, IN, St. Louis, Hannibal, and Canton, MO, points in IL, and those points in IA on and east of U.S. Hwy 169.

MC 52460 (Sub-332), filed June 5, 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 Finney and Lyon Counties, KS, and Potter County, TX, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NE, OR, UT, WA, and WY.

MC 60251 (Sub-15), filed June 3, 1981. Applicant: P & D TRANSPORTATION, INC., Connell Highway, Newport, RI 02840. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535-5430. Transporting *household goods*, between points in RI and CT, and those in Bristol and Plymouth Counties, MA, on the one hand, and, on the other, points in SC and OH.

MC 82841 (Sub-317), filed June 4, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339-3003. Transporting *rubber and plastic products*, between points in Bibb County, GA, on the one hand, and, on the other, points in the U.S.

MC 95490 (Sub-56), filed June 1, 1981. Applicant: UNION CARTAGE COMPANY, INC., 37 Southwest Cutoff, Worcester, MA 01604. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between Syracuse, NY, on the one hand, and, on the other, points in Onondaga and Oswego Counties, NY.

MC 128750 (Sub-9), filed June 5, 1981. Applicant: RAMPLEY TRANSPORT, INC., P.O. Box 172, Augusta, IL 62311. Representative: Robert L. Cope, Suite 501, 1730 M St., N.W., Washington, DC 20036, (202) 296-2900. Transporting *commodities in bulk, food and related products, and farm products*, between points in IA, IL, KS, and MO, on the one

hand, and, on the other, points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, OH, OK, TN, TX, and WI.

MC 134940 (Sub-10), filed June 5, 1981. Applicant: VERNON KUPFAHL, d.b.a. KUPFAHL TRUCKING, 4704 North 32nd Ave., Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *such commodities as are dealt in or used by manufacturers, converters, printers and distributors of paper and paper products*, between points in the U.S., under continuing contract(s) with Hennepin Paper Company, of Little Falls, MN.

MC 145311 (Sub-3), filed June 4, 1981. Applicant: ROADRUNNER TRANSPORTATION, INC., 8406 Mosley Road, Houston, TX 77075. Representative: William D. Lynch, 1003 West 6th Street, Austin, TX 78703. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in TX, OK, NM, CO, LA, MS, AL, AR, AZ, KS, FL, GA, and TN.

MC 153820, filed June 8, 1981. Applicant: PURNELL BROTHERS TRANSPORT, LTD., 7631 Fullerton Rd., Springfield, VA 22153. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 737-1030. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with (a) Bloomingdales of Kensington, MD, (b) The Bagby Furniture Company and G & S Fabricators, both of Baltimore, MD, (c) Custom Furnishing & Laminations, Inc., of Lorton, VA, (d) General Office Furniture Wholesalers of Arlington, VA, (e) M. S. Ginn Company of Hyattsville, MD, (f) Jim Jonah's Creative Woodcrafters, Ltd., of Rockville, MD, and (g) The Scandinavian Collection of Springfield, VA.

MC 155061 (Sub-1), filed June 1, 1981. Applicant: MARYVILLE-ALCOA TRANSPORTATION SYSTEM, P.O. Box 378, Alcoa, TN 37801. Representative: Robert A. Abbott, Route 12, Box 203 Old Walland Highway, Maryville, TN 37801, (615) 983-4892. Transporting *general commodities* (except classes A and B explosives), between points in TN, on the one hand, and, on the other, points in AL, GA, FL, IA, KY, LA, MI, MO, NC, NY, OK, OH, PA, SC, TX, VA, and WI.

MC 156220, filed June 4, 1981. Applicant: G.T.S. TRANSPORT, INC., 1219 Cornwell Avenue, Cornwells Heights, PA 19020. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561-1030.

Transporting (1) *pulp, paper and related products*, and (2) *printed matter*, between those points in the U.S. in and east of WI, IL, KY, TN, and AL.

MC 156280, filed June 2, 1981. Applicant: SYLVIA TRUCK LINES, INC., 2006 N.W. 100th St., Miami, FL 33147. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328. Transporting *general commodities* (except classes A and B explosives), between Miami, West Palm Beach and Port Everglades, FL, on the one hand, and, on the other, points in FL.

#### Volume No. OPY-4-197

Decided: June 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 143956 (Sub-28), filed June 4, 1981. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, Suite 1631, 3400 Peachtree Rd., Atlanta, GA 30326, (404) 233-0001. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the E. I. DuPont Nemours and Co, Inc., of Wilmington, DE.

MC 145646 (Sub-1), filed June 1, 1981. Applicant: NATHAN R. BEHNE, d.b.a. BEHNE TRUCK LINE, P.O. Box 307, Sherburn, MN 56171. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291-1215. Transporting *metal and metal products, snowblowers, wood furnaces, wood splitters, plastic pipe, agricultural machinery and railway maintenance equipment*, between points in Martin, Faribault, Cottonwood and Blue Earth Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 149026 (Sub-30), filed June 3, 1981. Applicant: TRANS-STATES LINES, INC., 6815 Jenny Lind, Fort Smith, AR 72903. Representative: Larry C. Price (same address as applicant), (501) 785-6177. Transporting *general commodities* (except classes A and B explosives), between points in Crawford County, AR, on the one hand, and, on the other, points in the U.S.

MC 151036 (Sub-3), filed June 4, 1981. Applicant: DECATUR TRANSIT, INC., 161 First Ave., NE, Decatur, AL 35601. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254-3880. Transporting (1) *coal and coal products*, (2) *chemicals and related products*, and (3) *petroleum*, between points in Morgan and Jefferson Counties, AL.



MC 152566 (Sub-2), filed June 3, 1981. Applicant: ONEDIN LINE, INC., 6021 Bapst St., Toledo, OH 43615. Representative: Richard A. Eberlin, Jr. (same address as applicant), (419) 866-5950. Transporting (a) (1) *such commodities* as are dealt in or distributed by grocery and food business houses and home center stores, (2) *swimming pool, spa, and hot tub products*, (3) *cleaning and building maintenance materials and supplies*, and (4) *chemicals*, and (b) *food and related products*, between points in the U.S., (a) under continuing contract(s) with Purex Industries, Incorporated, of Carson, CA, and part (b) under continuing contract(s) with Hirzel Canning Company, Inc., of Northwood, OH.

MC 156336, filed June 5, 1981. Applicant: OSCEOLA WASTE MATERIALS, INC., P.O. Box 752 Industrial Dr., Osceola, AR 72370. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375-9151. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with American Greetings Corporation, of Cleveland, OH.

#### Vol. No. OPY-4-198

Decided: June 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 141086 (Sub-3), filed June 1, 1981. Applicant: BLUE LINE TRANSPORTATION COMPANY, INC., 10065 Alder St., Bloomington, CA 92316. Representative: Terry Michael (same address as applicant), (714) 877-5180. Transporting (1) *textile mill products*, (2) *paper and related products*, (3) *petroleum and related products*, (4) *clay, concrete, glass, plastic, and plumbing products*, and (5) *metal products*, between points in AZ, CA, NV, and UT.

MC 146616 (Sub-18), filed June 5, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 W. 21st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 E. Fourth St., Tulsa, OK 74103, (918) 582-2842. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with B & D Field Supply, Inc., of Bartlesville, OK and Del-Tex, Inc., of Claremore, OK.

MC 148576 (Sub-7), filed June 4, 1981. Applicant: DOTSON TRUCKING COMPANY, INC., 1220 Murphy Ave., SW., Atlanta, GA 30310. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411-D Backlick Rd., Springfield, VA 22151, (903) 941-

8200. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) *chemicals and related products*, and (b) *plastics and related products*, between the facilities of DOW Chemical U.S.A., at points in the U.S., on the one hand, and, on the other points in the U.S.

MC 156216, filed May 29, 1981. Applicant: P & J ROBINSON & SON, 15190 Kendaville, Coral, MI 49322. Representative: Gregory G. Prasher, 700 Commerce Bldg., Grand Rapids, MI 49503, (616) 459-9487. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Indian Summer, Inc., of Belding, MI.

MC 156216 (Sub-1), filed May 29, 1981. Applicant: P & J ROBINSON & SON, 15190 Kendaville, Coral, MI 49322. Representative: Gregory G. Prasher, 700 Commerce Bldg., Grand Rapids, MI 49503, (616) 459-9487. Transporting *steel and related products*, between points in the U.S., under continuing contract(s) with R. J. Tower Corporation, of Greenville, MI.

#### Vol. No. OPY-4-202

Decided: June 12, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 66886 (Sub-92), filed February 9, 1981, and previously noticed in the *Federal Register* issue of March 3, 1981, and republished this issue. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221-1464. Transporting *commodities* used by, in the development of, or in connection with energy systems, between points in the U.S.

Note.—The purpose of this republication is to correctly reflect the commodity description.

MC 99656 (Sub-5), filed February 10, 1981, and previously noticed in the *Federal Register* issue of March 9, 1981. Applicant: IDDINGS TRUCKING, INC., State Rt. 60, Box 388, Lowell, OH 45744. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting (1)(a) *commodities in bulk*, (b) *pig iron* and (c) *scrap metal*, between points in Washington County, OH, on the one hand, and, on the other, points in OH, and (2) *general commodities* [except classes A and B explosives], between points in Noble, Morgan, Muskingum and Guernsey Counties, OH, on the one hand, and, on the other, points in OH.

Note.—The purpose of this republication is to correctly reflect the commodity description.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-16391 Filed 6-19-81; 8:45 am]

BILLING CODE 7035-01-M

#### [Volume No. 104]

#### Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

#### Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to applicant. Prior to beginning operations under the newly issued authority, compliance must be with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members, Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,  
Secretary.

MC 2484 (Sub-59)X, filed May 21, 1981. Applicant: E & L TRANSPORT COMPANY, 23420 Ford Road, Dearborn Heights, MI 48127. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in its lead and Sub-Nos. 37, 40, 41, 45, 46, 50, 51, 52, 53, 54F and 55F certificates to (A) broaden the commodity descriptions to (1) "transportation equipment" from (a) automobiles, trucks, trailers bodies,



cabs, chassis, auto parts and accessories, new, used, damaged and rejected, unfinished, wrecked, buses, tires, tubes, flanges, automobile cushions, airplane parts, jigs, fixtures and layouts, used in the manufacture and assembly of airplanes and airplane parts and assemblies, automobile show equipment and paraphernalia, commercial automobile vehicles, in the lead and Sub-No. 40, (b) automobiles, in Sub-Nos. 45 and 46, (c) new motor vehicles, in Sub-No. 53, and (d) electric motor vehicles, in Sub-No. 55F, and (2) "machinery" from farm and garden tractors, parts accessories and equipment, in the lead and Sub-Nos. 37 and 41; (B) in its lead and Sub-Nos. 40, 45, 46, 50, 51, 52, 53, 54F, and 55F, remove the initial or secondary movement, truckway and driveway service restrictions; (C) in the lead and Sub-No. 50, 51, 52, and 54F, remove the restriction prohibiting the transportation of specified commodities; (D) remove the AK and HI restriction, in the lead at sheet Nos. 3, 5 and 10, and Sub-Nos. 50, 51, 52, 54F and 55F; (E) remove tacking restriction, in the lead certificate at sheet No. 4; (F) remove the restriction limiting service to the transportation of traffic moving from or originating at named facilities, in Sub-Nos. 50, 51, 52, 53, and 54F; (G) replace facilities of city-wide authority with county-wide authority: (1) Louisville, KY, with Jefferson County, KY, Robertson, MO with St. Louis County, MO, Buffalo, NY with Erie County, NY, Dearborn, MI, with Wayne County, MI, Willow Run, MI, with Washtenaw County, MI and Highland Park, MI, with Wayne County, MI in the lead certificate; (2) Glenfield, PA with Allegheny County, PA, in Sub-No. 37; (3) Louisville, KY, with Jefferson County, KY, Moffett, OK, Sequoyah County, OK, and Texarkana, TX, with Bowie County, TX, in Sub-No. 40; (4) Ionia, MI with Konia County, MI, in Sub-Nos. 45 and 46; (5) Wixom, MI, with Oakland County, MI, in Sub-No. 50; (6) Dearborn, MI, with Wayne County, MI, in Sub-No. 51; (7) Lorain, OH, with Lorain County, OH, in Sub-No. 52; and (8) Buffalo, NY, with Erie County, NY, in Sub-No. 53; and (H) authorize radial authority to replace existing one-way service between various combinations of points throughout the U.S.

MC 73165 (Sub-547)X, filed May 15, 1981. Applicant: EAGLE MOTOR LINES, INC., 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant). Applicant seeks to remove restrictions from its Sub-Nos. 102, 155, 167, 169, 170, 174, 180, 182, 183, 186, 187, 188, 193, 196, 199, 206, 207, 208, 214, 216, 217, 219, 221, 223, 224,

226, 228, 234, 235, 237, 239, 245, 246, 250, 252, 254, 255, 259, 261, 262, 263, 264, 265, 268, 269, 272, 273, 276, 278, 279, 280, 281, 282, 283, 284, 285, 289, 294, 295, 296, 299, 300, 301, 303, 304, 306, 307, 313, 317, 319, 320, 321, 322, 323, 324, 326, 328, 332, 335, 336, 338, 341, 342G, 345, 348, 349, 354, 355, 357, 358, 359, 360, 361, 362, 363, 364, 365, and 368 certificates as follows: In Sub-No. 102, Paragraph 1: broaden the commodity description from commodities, the transportation of which, because of size or weight, requires special equipment, iron and steel and iron and steel articles, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, and metal products"; Paragraph 2: broaden the commodity description from cotton gin machinery and cotton gin machinery parts, to "machinery and supplies"; Paragraph 3: broaden the commodity description from Veneer mill lathes, to "machinery and supplies"; Paragraph 4: broaden the commodity description from clay products, to "clay, concrete, glass or stone products"; Paragraph 5: broaden the commodity description from lowboy trailers, in truckaway service, initial movements, to "transportation equipment"; Paragraph 6: broaden the commodity description from farm tractors and farm implements, to "self-propelled vehicles, and machinery and supplies"; Paragraph 7: broaden the commodity description from fresh vegetables, to "food and related products"; replace city-wide authority with county-wide authority as follows: Birmingham, AL, with Jefferson County wherever it appears in Sub-No. 102, Bonham and Denison with Fannin and Grayson Counties, TX, and Cordova with Walker County, AL; in Sub-No. 155; Paragraph 1: broaden the commodity description from cast iron pressure pipe and cast iron soil pipe, to "metal products"; Paragraph 2: broaden the commodity description from road building machinery and contractors' equipment which because of size or weight, requires the use of special equipment, to "machinery and supplies, contractors' equipment, and commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; replace city-wide authority with county-wide authority as follows: Birmingham, Eolt, Gadsden, Anniston, and Talladega, AL, with Jefferson, Tuscaloosa, Etowah, Calhoun and Talladega Counties, AL; Peoria, Pekin, and Joliet, IL, with Peoria, Tazewell and Will Counties, IL; Detroit, MI, with Wayne County, MI; Marion, OH, with

Waupaca County, OH; Milwaukee, WI with Milwaukee County, WI; Cedar Rapids and Waverly, IA, with Linn and Bremer Counties, IA; in its Sub-No. 167, regular route certificate, broaden the commodity description from general commodities, (with the usual exceptions) to "general commodities, (except Classes A and B explosives)"; and authorize service at all intermediate points on its regular route between Picayune, MS, and New Orleans, LA; in Sub-No. 169, broaden the commodity description from petroleum products, in containers, to "petroleum products"; remove the restriction against the transportation of petroleum products in collapsible C & S containers, such as sealdtanks and sealdtdrums; replace city-wide authority Good Hope, LA, with county-wide authority in St. Charles Parish, LA; in Sub-No. 170, broaden the commodity description from salt, except in bulk, and animal and poultry mineral feed mixtures and pepper, except in bulk, when moving in mixed shipments with salt, to "salt and food and related products, and animal and poultry mineral feed mixtures; remove (except in bulk); replace city-wide authority Hutchinson, KS, with county-wide authority in Reno County, KS; in Sub-No. 174, Paragraph 1: broaden the commodity description from self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies, moving in connection therewith, to "self-propelled vehicles, machinery and supplies, and transportation equipment"; Paragraph 2: broaden the commodity description from such self-propelled articles, each weighing 15,000 pounds or more, which may be included in road building machinery and contractors' equipment, and related machinery, tools, parts and supplies moving in connection therewith to "self-propelled vehicles, machinery and supplies, and transportation equipment"; Paragraph 3: broaden the commodity description from such self-propelled articles, each weighing 15,000 pounds or more, which may be included in mining, excavating, construction, roadbuilding, and contractors' machinery, and related machinery, tools, parts and supplies moving in connection therewith, to "self-propelled vehicles, machinery and supplies, and transportation equipment"; in the three paragraphs above remove the restriction which restricts service to commodities which are transported on trailers; and replace city-wide authority with county-wide authority as follows: Birmingham, AL, with Jefferson County, AL; Joplin, MO, with Jasper County, MO, Stuttgart, AR, with Arkansas County,



AR; Dubuque, IA with Russell County, IA; Sikeston, MO, with Scott County, MO; Memphis, TN with Shelby County, TN; West Memphis, AR, with Crittenden County, AR; Peoria, Pekin, and Joliet, IL, with Peoria, Tazewell and Will Counties, IL, Detroit, MI, with Wayne County, MI, Marion, OH, with Marion County, OH, Milwaukee, WI, with Milwaukee County, WI, Cedar Rapids and Waverly, IA, with Linn and Bremer Counties, IA; in Sub-No. 180, broaden the commodity description from pipe, and pipe connections, pipe couplings and pipe fittings, when moving in connection therewith (except pipe, pipe connections, pipe couplings and pipe fittings, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products), to "metal products and rubber and plastic products"; remove all exceptions to the above described commodities; and replace city-wide authority in Lonestar and Bond, TX, with county-wide authority in Morris County, TX; in Sub-No. 182, broaden the commodity description from urea, in bulk, to "chemicals and related products"; remove the (in bulk) restriction; replace city-wide authority in Memphis and Woodstock, TN, with county-wide authority in Shelby County, TN; in Sub-No. 183, broaden the commodity description from iron and steel and iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to "metal products"; replace city-wide authority in Birmingham, AL, Atlanta, GA, and Brunswick, GA, with county-wide authority in Jefferson County, AL and Fulton and Brunswick Counties, GA; in Sub-No. 186, broaden the commodity description from iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to "metal products"; remove the (except commodities which because of size or weight require special equipment) restriction; replace a plant-site in Boyd County, KY, with county-wide authority in Boyd County, KY; in Sub-No. 187, broaden the commodity description from cast iron pipe, pipe, pipe fittings, pipe valves, and fire hydrants, to "metal products" replace city-wide authority in Coshocton, OH, with county-wide authority in Coshocton County, OH; in Sub-No. 188, broaden the commodity description from tractors to "machinery and supplies, and transportation

equipment"; remove the (except truck tractors) restriction; and remove the restriction against the transportation of commodities, which because of their size or weight, require the use of special equipment or handling; in Sub-No. 193, broaden the commodity description from cast iron pipe and fittings, to "metal products"; replace plantsite authority at Bensenville, IL with county-wide authority in DuPage County, IL; in Sub-No. 196, Paragraph 1: broaden the commodity description from pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers, to "metal products"; remove the restrictions (except those which because of size or weight, require the use of special equipment) and (except pipe and pipe fittings such as are included in the first findings of the Commission in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459, 543); replace city-wide authority in Swan, TX, with county-wide authority in Smith County, TX; Paragraph 2: broaden the commodity description from wallboard, to "building materials and lumber and wood products" replace city-wide authority in Diboll, TX, with county-wide authority in Angelina County, TX; in Sub-No. 199, Paragraph 1: replace city-wide authority in Joplin, MO, Stuttgart, AR, and Dubuque, IA, with county-wide authority in Jasper County, MO, Arkansas County, AR, and Dubuque County, IA; Paragraph 2: broaden the commodity description from machinery, contractors' equipment other than oil field equipment, structural steel, and iron or steel pipe which because of size or weight require the use of special equipment, to "machinery and supplies, contractors' equipment, metal products and commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling; and remove the restriction (other than oil field equipment); Paragraph 3: broaden the commodity description from asphalt, in barrels, to "petroleum products"; remove the (in barrels) restriction; and replace city-wide authority in Stroud, OK with county-wide authority in Lincoln County, OK; Paragraph 4: broaden the commodity description from concrete pipe, to "clay, concrete, glass or stone products"; and replace city-wide authority in Oklahoma County, OK; Paragraph 5: broaden the commodity description from reinforcing and structural steel, to "metal products"; replace city-wide authority in Sand Springs, OK, with county-wide authority in Tulsa County, OK; Paragraph 6: replace city-wide authority in McAlester and Oklahoma City, OK, with

county-wide authority in Pittsburg and Oklahoma Counties, OK; Paragraph 7: broaden the commodity description from road and contractors' equipment and machinery, to "road and contractors' equipment, and machinery and supplies"; Paragraph 8: broaden the commodity description from commodities the transportation of which because of size or weight, require the use of special equipment, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; remove the (except pipe, pipeline materials, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling and repair of pipe lines) restriction; and replace city-wide authority in Sikeston, MO, with county-wide authority in Scott County, MO; Paragraph 9: broaden the commodity description from machinery to "machinery and supplies, and self-propelled vehicles"; replace city-wide authority in Peoria, IL, with county-wide authority in Peoria County, IL; Paragraph 10: broaden the commodity description from commodities (except pipe, pipeline material, machinery, equipment and supplies incidental to and used in connection with the construction, dismantling and repairing of pipelines) and (except buildings prefabricated or in sections), the transportation of which because of size or weight, require the use of special equipment, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; replace city-wide authority in Memphis, TN, and West Memphis, AR, with county-wide authority in Shelby County, TN, and Crittenden County, AR; Paragraph 11: broaden the commodity description from commodities, the transportation of which, by reason of size or weight, requires the use of special equipment to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; remove the (except machinery, equipment, materials and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines) restriction; replace city-wide authority Sikeston, MO with county-wide authority in Scott County, MO; Paragraph 12: broaden the commodity description from road and bridge building machinery and materials, to "machinery and supplies, and self-propelled vehicles"; and replace city-wide authority Warren, AR, with county-wide authority in Bradley



County, AR; Paragraph 13: broaden the commodity description from tile and clay products, to "clay, concrete, glass or stone products"; replace city-wide authority Texarkana, TX, with county-wide authority in Bowie County, TX; Paragraph 14: broaden the commodity description from crosoted lumber, timber and poles, to "building materials, and lumber and wood products"; replace city-wide authority Texarkana, TX, with county-wide authority in Bowie County, TX; Paragraph 15: broaden the commodity description from farm machinery, to "machinery and supplies, and self-propelled vehicles"; replace city-wide authority Texarkana, TX, with county-wide authority in Bowie County, TX; Paragraph 16: replace ranches and farms with county-wide authority in Bowie and Cass Counties, TX; Paragraph 17: broaden the commodity description from lumber, timber, and poles, untreated, to "lumber and wood products"; replace city-wide authority Texarkana, TX, with county-wide authority in Bowie County, TX; Paragraph 18: replace city-wide authority with county-wide authority in Bowie County, TX; Paragraph 19: broaden the commodity description from mining, excavating, construction and road building, contractors' machinery, equipment and supplies, which by reason of size or weight require special equipment, to "machinery and supplies, and self-propelled vehicles"; in Sub-No. 206, Paragraph 1: broaden the commodity description from trailers, semi-trailers, and trailer chassis and semi-trailer chassis in initial or secondary movements, in truckaway service, to "transportation equipment and self-propelled vehicles"; remove (except those designed to be drawn by passenger automobiles); replace city-wide authority Birmingham and Haleyville, AL and Collins, MS, with county-wide authority in Jefferson and Winston Counties, AL and St. Clair County, MS; and remove "excluding HI"; Paragraph 2: broaden the commodity description from trailers, semi-trailers, and trailers chassis and semi-trailer chassis in secondary movements, in truckaway service, to "trailers, semi-trailers, and trailer chassis and semi-trailer chassis"; removing (except those designed to be drawn by passenger automobiles); and remove "excluding HI"; in Sub-No. 207, broaden the commodity description from iron and steel and iron and steel articles as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, "metal products"; remove (except those commodities the transportation of which

because of size or weight require the use of special equipment); in Sub-No. 208, broaden the commodity description from iron and steel, and iron and steel articles to "metal products"; remove (except commodities which because of size or weight require the use of special equipment); in Sub-No. 214, broaden the commodity description from aluminum sheets, plates, coils and tubing, to "metal products and waste or scrap materials"; replace the plant-site at Scottsboro, AL, with county-wide authority in Jackson County, AL; in Sub-No. 216, broaden the commodity description from iron and steel articles, (except those the transportation of which, by reason of size or weight, require the use of special equipment), to "metal products"; replace the plant-site at Harriman, TN, with county-wide authority in Loane County, TN; in Sub-No. 217, broaden the commodity description from wallboard, to "building materials, and lumber and wood products"; replace city-wide authority Diboll, TX, and Jacksonville, FL, with county-wide authority in Angelina County, TX and Duval County, FL; in Sub-No. 219, broaden the commodity description from building, wall or insulating boards, and materials and supplies used in the installation of buildings, wall or insulating boards, to "building materials, and lumber or wood products"; replace the plant-site at Macon, GA, with county-wide authority in Bibb County, GA; in Sub-No. 221, broaden the commodity description from pipe, conduit, tubing and fittings and connections to "building materials and metal products"; remove (except materials, equipment and supplies used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products); replace city-wide authority Fairbury, IL, with county-wide authority in Livingston County, IL; in Sub-No. 223, Paragraph 1: broaden the commodity description from plumbing materials and supplies, (except those requiring special equipment), to "building materials, metal products and lumber and wood products"; replace city-wide authority Swan, TX, with county-wide authority in Smith County, TX; Paragraph 2: broaden the commodity description from plumbing materials and supplies and scrap metal (except those requiring special equipment), to "commodities, the transportation of which, because of their size or weight, require the use of special handling or equipment"; replace city-wide authority Swan, TX, with county-

wide authority in Smith County, TX; Paragraph 3: broaden the commodity description from iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except those requiring special equipment), to "metal products and commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; in Sub-No. 224, broaden the commodity description from iron and steel articles, and materials, equipment and supplies used in manufacture and processing of iron and steel articles, to "metal products"; remove the plant-site at Putnam County, IL and replace with Putnam County, IL and remove the restriction against "commodities in bulk"; in Sub-No. 226, broaden the commodity description from pipe and pipe fittings, cast iron meter boxes, manhole frames and manhole covers, to "metal products"; remove (except those which because of size or weight require the use of special equipment) and (except pipe and pipe fittings such as are included in the first findings of the Commission in *Mercer-Extension-Oil Field Commodities*, 74 M.C.C. 459 and 543); replace city-wide authority Swan, TX, with county-wide authority in Smith County, TX; in Sub-No. 228 broaden the commodity description from lift trucks and lift truck attachments, to "machinery and supplies"; remove (except commodities, the transportation of which, because of size or weight, requires the use special equipment; replace the plant-site at West Memphis, AR, with county-wide authority in Crittenden County, AR; in Sub-No. 234, broaden the commodity description from glass containers, caps, covers, stoppers, and tops for glass containers, to "clay, concrete, glass or stone products"; remove plantsite restriction in Rankin County, MS; in Sub-No. 235, broaden the commodity description from petroleum products, to "petroleum products, and chemicals and related products"; replace city-wide authority Rogerslacy, MS, with county-wide authority in Jones County, MS; in Sub-No. 237, broaden the commodity description from wallboard, to "building materials, and lumber and wood products"; replace plantsite authority at Dioll, TX, with county-wide authority in Angelina County, TX; in Sub-No. 239, broaden the commodity description from (1) material handling equipment, winches, compaction and road-making equipment, rollers, mobile cranes and highway freight trailers, and (2) parts, attachments and accessories of the commodities described in (1) above, to "machinery and supplies, and



transportation equipment"; and replace the plantsite at Danville, Kewanee, and Peoria, IL, with county-wide authority in Vermilion, Henry and Peoria Counties, IL; in Sub-No. 245, broaden the commodity description from materials and supplies used in the manufacture and processing of paper and paper products to "lumber and wood products" remove the (except commodities in bulk) restriction; replace the plantsites at Wickliffe, KY, with county-wide authority in Ballard County, KY; in Sub-Nos. 246 and 250, broaden the commodity descriptions from iron and steel articles and, steel articles to "metal products"; remove (except such commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459 and 543); and replace the plantsite at Tyler, TX, with county-wide authority in Smith County, TX; in Sub-No. 252, and 255, broaden the commodity description from materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries"; in mixed loads with salt and salt products (otherwise authorized), to "materials, equipment and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries"; remove "in mixed loads with salt and salt products (otherwise authorized)"; replace the plantsite at Weeks Island, LA, with Parish-wide authority in Iberia Parish, LA; in Sub-No. 254, broaden the commodity description from electrical conduit and fittings and attachments therefor; and conduit and pipe and fittings and attachments for conduit and pipe, to "metal products"; remove (except commodities which because of size or weight require the use of special equipment) from the commodity description; and replace city-wide authority Glendale, WV with county-wide authority in Fayette County, WV; in Sub-No. 259, broaden the commodity description from roofing and roofing materials, to "building materials, and lumber and wood products"; in Sub-No. 261, remove the (except commodities in bulk) restriction from the description ferro-alloys, silicon and manganese metal, chrome and manganese ore, and lithium chemicals; replace the plantsite at New Johnsonville, TN with Humphreys County, TN and remove the "originating at or destined to" restriction; in Sub-No. 262, remove the "except commodities in bulk" restriction from the description wire crates and wire cases, and materials, supplies, and equipment; in Sub-No. 263, broaden the commodity description from pipe and

pipe fittings, cast iron meter boxes, manhole frames, and manhole covers to "metal products"; remove (except those which because of size or weight require the use of special equipment) and (except pipe and pipe fittings such as are included in the first findings of the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459 and 543); and replace the plantsite at Tyler, TX, with county-wide authority in Smith County, TX; in Sub-No. 264, broaden the commodity description from (1) material handling equipment, (2) machinery and equipment used in the wood products and forestry industries, and (3) parts, attachments and accessories for the commodities described in (1) and (2) above, to "machinery, equipment and supplies"; replace city-wide authority Talladega, AL, Springfield, IL, Brownwood and Pampa, TX, Milwaukee and Wausau, WI, Exeter and Lansdale, PA, Minneapolis, MN, Gardena and Pomona, CA, Delaware, Canton, and Akron, OH, Nashville, TN, Wayne, MI, Hialeah, FL, Birmingham, AL, with county-wide authority in Talladega Counties, AL, Sangamon County, IL, Orange and Gray Counties, TX, Milwaukee and Marathon Counties, WI, Philadelphia, Luzerne and Montgomery Counties, PA, Hennepin and Ramsey Counties, MN, Los Angeles County, CA, Delaware, Stark and Summit Counties, OH, Fulton County, GA, Davidson County, TN, Wayne County, MI, and Dade County, FL; in Sub-No. 265, broaden the commodity description from cement asbestos pipe and plastic pipe to "cement asbestos products, and rubber and plastic products"; replace the plantsite at Van Buren, AR with county-wide authority in Crawford County, AR; in Sub-No. 268, broaden the commodity description from glass or glass products to "clay, concrete, glass or stone products"; replace city-wide Mineral Wells, MS, and Memphis, TN, with county-wide authority in DeSoto County, MS and Shelby County, TN; in Sub-No. 269, broaden the commodity description from materials handling equipment and parts, attachments, accessories, and propelling vehicles for materials handling equipment, to "machinery and supplies, and self-propelled vehicles"; replace the plantsite at West Memphis, AR, with county-wide authority in Crittenden County, AR; and remove "AK and HI" exception; in Sub-No. 272, broaden the commodity description from iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to "metal products" remove (except iron and steel buildings, complete, knocked

down, or in sections); and replace city-wide authority Bridgeton, NJ, with county-wide authority in Cumberland County, NJ; in Sub-No. 273, broaden the commodity description from plastic pipe to "rubber and plastic products"; replace the plant site at Fort Smith, AR with county-wide authority in Sebastian County, AR; in Sub-No. 276, broaden the commodity description from cast iron and brass valves and components and cast iron fire hydrants, to "metal products"; replace city-wide Birmingham, AL, authority with county-wide authority in Jefferson County, AL; in Sub-No. 278, broaden the commodity description from iron and steel articles, valves, hydrants and gaskets, to "metal products" replace city-wide authority Birmingham and Gadsden, AL, with county-wide authority in Jefferson and Etowah Counties, AL; and remove "except commodities which because of size or weight require the use of special equipment"; in Sub-No. 279, broaden the commodity description from iron and steel articles to "metal products"; in Sub-No. 280, broaden the commodity description from cotton gin machinery, and parts and accessories for cotton gin machinery to "machinery and supplies"; remove the (except in bulk restriction); in Sub-No. 281, broaden the commodity description from iron and steel articles, and scrap iron and steel articles, to "metal products and waste or scrap materials"; remove the "AK and HI" exceptions; and replace the plant-site at Newport, AR, with county-wide authority in Jackson County, AR; in Sub-No. 282, broaden the commodity description from iron and steel articles, to "metal products"; replace the plant-site at Martins Ferry, OH, and Greenville, MS, with county-wide authority in Belmont County, OH, Washington County, MS, and Brooke, Cabell and Wayne Counties, WV; in Sub-No. 283, broaden the commodity description from pipe, pipe fittings, cast iron meter boxes, manhole frames, and manhole covers, to "metal products"; and replace the plant-site at Swan, TX with county-wide authority in Smith County, TX; in Sub-No. 284, remove the "except in bulk" restriction from the description machinery, equipment, materials, and supplies; replace the facilities limitation at Anniston, AL, Pelham, AL, Holt, AL, Tarrant, AL, Birmingham, Oneonta, Helena, and Winfield, AL, with county-wide authority in Calhoun, Tuscaloosa, Jefferson, Blount, Shelby and Marion Counties, AL; and remove the "AK and HI" exceptions; in Sub-No. 285, broaden the commodity description from wool, cotton, paper and synthetic fabric to



"textile mill products"; replace city-wide authority Florence, AL and Columbus, MS, with county-wide authority in Lauderdale County, AL and Lowndes County, MS; in Sub-No. 289, broaden the commodity description from (1) heat exchangers and equalizers for air, gas or liquids, (2) machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying and moving of air, gas or liquids, and (3) parts, attachments and accessories for use in the installation or operations of the above-named items, to "equipment for heating, cooling, humidifying, dehumidifying, or moving of air, gas or liquids"; replace a plant-site in Warren County, KY, with county-wide authority in Warren County, KY; and remove the "AK and HI" exceptions; in Sub-No. 294, broaden the commodity description from (1) conveyor idlers, (2) conveyor stands, (3) conveyor terminals, and (4) parts for the commodities described in (1), (2) and (3) above to "machinery and supplies"; replace the plant-site at Salyersville, KY with county-wide authority in Magoffin County, KY; remove the "AK and HI" exceptions; in Sub-No. 295 and 296, broaden the commodity description from particleboard and wallboard to "lumber and wood products and building materials"; replace a facilities limitation at Diboll, TX, and city-wide authority at Sibell, TX, with county-wide authority in Angelina County, TX; remove the "AK and HI" exceptions; in Sub-No. 299, broaden the commodity description from (1) fire hydrants, (2) valves, iron and brass, and (3) pipe to "metal products"; replace the facilities limitation at Oskabosa, IA, with county-wide authority in Mahaska County, IA; in Sub-No. 300, broaden the commodity description from aluminum articles, to "metal products"; replace the plant-site at Birmingham, AL, with county-wide authority in Jefferson County, AL; in Sub-No. 301, broaden the commodity description from (1) equipment, materials and supplies used in the manufacture of mobile homes, (2) material handling equipment, and equipment, materials and supplies used in the manufacture of material handling equipment, and (3) parts, attachments, and accessories used in connection with the commodities described in (1) and (2) above, the "(1) equipment, materials and supplies used in the manufacture of mobile homes, (2) machinery and supplies, and (3) parts, attachments and accessories used in connection with the commodities described in (1) and (2) above"; remove the "AK and HI" exception; remove the restriction against the transportation of commodities in bulk; and replace city-wide authority in

Winfield, AL, with county-wide authority in Marion County, AL; in Sub-No. 303, broaden the commodity description from plastic pipe and plastic tubing, to "rubber and plastic products"; replace the plant-site at Houston, TX with city-wide authority in Houston, TX; in Sub-No. 304, broaden the commodity description from material handling equipment, and parts, attachments and accessories used in connection therewith, to "machinery and supplies"; replace city-wide Pelham, AL, and Dubuque, IA, authority with county-wide authority in Shelby County, AL and Dubuque County, IA; remove the "AK and HI" exception; in Sub-Nos. 306 and 307, broaden the commodity description from pipe, tubing and fittings, to "metal products"; replace city-wide Gilmer, TX, authority with county-wide authority in Upshur County, TX; remove the "AK and HI" exceptions; in Sub-No. 313, broaden the commodity description from plastic pipe and hydrants, valves, fittings, couplings, and materials and supplies used in the installation thereof, to "rubber and plastic products"; replace the facilities limitation at Buckhannon, WV, with county-wide authority in Upshur County, WV; in Sub-No. 317, broaden the commodity description from particleboard, to "lumber and wood products and building materials"; replace the facilities limitation at Thomson, GA, with county-wide authority in McDuffie County, GA; in Sub-No. 319, broaden the commodity description from clay and clay products to "clay, concrete, glass or stone products"; remove the (except commodities in bulk), restriction and the "AK and HI" exceptions; remove the restriction against the transportation of shipments destined to facilities at St. Louis, MO; in Sub-No. 320, broaden the commodity description from self-propelled construction equipment weighing 15,000 pounds or more, and parts and attachments for such commodities, to "self-propelled vehicles"; replace city-wide Chattanooga, TN, authority with county-wide authority in Hamilton County, TN; in Sub-No. 321, broaden the commodity description from (1) material handling equipment and compactors, (2) materials, machinery, equipment, parts, attachments, accessories and supplies, for material handling equipment and compactors, and (3) commodities used in the manufacture, installation and distribution of the commodities named in (1) and (2) above, to "machinery and supplies"; replace the plant-site at Enterprise, AL, Exeter, PA, and Minden, LA, with county-wide authority in

Coffee County, AL, Luzerne County, PA and Webster Parish, LA; remove the (except commodities in bulk) restriction; and remove the "HI" exception; in Sub-No. 322, broaden the commodity description from the pipe, pipe fittings, meter boxes, manhole frames, and manhole covers, to "metal products"; replace the plant-site at Tyler, TX with county-wide authority in Smith County, TX; in Sub-No. 323, broaden the commodity description from (1) material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers, and (2) parts, attachments and accessories for the commodities named in (1) above, to "machinery and supplies, and transportation equipment"; and replace the plant-site at Danville, Peoria, and Kewanee, IL, and Crawfordville, IN, with county-wide authority in Vermilion, Peoria and Henry Counties, IL, and Montgomery County, IN; in Sub-No. 324, broaden the commodity description from (1) material handling equipment, compactors, and parts and accessories for the foregoing commodities, and (2) equipment, materials and supplies used in the manufacture of the commodities set forth in (1) above, to "machinery and supplies"; remove the (except forklifts), and (except commodities in bulk) restrictions; replace the city-wide Newark, OH, authority with county-wide authority in Licking County, OH; and remove the "HI" exceptions; in Sub-No. 326, broaden the commodity description from (1) aluminum, aluminum articles and aluminum products, and (2) materials, equipment and supplies used in the manufacture of the commodities described in (1) to "metal products"; and remove the (except commodities in bulk) restriction; in Sub-No. 328, broaden the commodity description from plastic conduit and iron fittings and connections, valves, hydrants, and gaskets to "rubber and plastic products, and metal products"; remove the (except Oil Field Commodities, as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459) restriction; replace the facilities limitation at Columbia, MO, with county-wide authority in Boone County, MO; and remove the "AK and HI" exceptions; in Sub-No. 332, broaden the commodity description from iron and steel articles, to "metal products"; replace the plant-site at Lackawanna, NY, with county-wide authority in Erie County, NY; in Sub-No. 335, broaden the commodity description from prefabricated building materials, components and accessories, to



"building materials and supplies"; replace the facilities limitation at Jackson, MS, with county-wide authority in Hinds County, MS; and remove the "AK, HI, and MS" exceptions; in Sub-No. 336, Paragraph 1: broaden the commodity description from steel tubing, to "metal products"; Paragraph 2: broaden the commodity description from custom-fabricated stainless steel processing equipment which by reason of size or weight, require the use of special equipment, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; Paragraph 3: broaden the commodity description from structural steel and custom steel parts and machinery, to "metal products and machinery and supplies"; Paragraph 4: broaden the commodity description from steel forms, to "metal products"; and in each of the four paragraphs replace facilities limitations at Milwaukee, WI, with county-wide authority in Milwaukee County, WI; in Sub-No. 338, broaden the commodity description from (1) cast iron and brass valves, cast iron pressure pipe, fire hydrants and fire hydrant sections, and (2) components, parts, attachments, accessories and supplies used in connection with the commodities described in (1) above, to "metal products"; replace the facilities limitation at Albertville, AL, with county-wide authority in Marshall County, AL; and remove the "AL, AK, and HI" exceptions; in Sub-No. 341, broaden the commodity description from (1) electrical switches, electrical bus bar systems, and electrical iron and steel hardware, (2) electrical parts, attachments and accessories, and (3) materials, components and supplies used in connection with the commodities described in (1) and (2) above, to "electrical equipment and supplies"; remove the (except commodities in bulk) restriction; replace the plant-site at Selmer, TN, with county-wide authority in McNairy County, TN; and remove the "TN, AK and HI" exceptions; in Sub-No. 342G, (A) broaden the commodity description (1) from contractors' outfits equipment and road building machinery, which because of size or weight require the use of special equipment, or consisting of self-propelled articles each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith, as may be included in material handling equipment and parts, and attachments and accessories for material handling equipment, to "commodities, the transportation of which, because of their size or weight, require the use of special

equipment or handling, machinery and supplies, and self-propelled vehicles; in paragraphs 59, 66, and 48; (2) from machinery consisting of contractors' outfits and equipments, road and bridge building machinery, which by reason of size or weight require the use of special equipment, commodities the transportation of which, because of size or weight, require the use of special equipment (with exceptions), and self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, and machinery and supplies", in paragraphs 18, 19, 21, 22, 23, 24, 35, 45, and 46; (3) from contractors' outfits and equipment, road and bridge building machinery, oil field equipment and supplies, material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers and related products and self-propelled articles, each weighing 15,000 pounds or more, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, machinery and supplies, self-propelled vehicles, and transportation equipment, in paragraphs 1, 2, 6, 10, 11, 14, 16, 20, 28, 29, 30, 31, 32, 34, 36, 38, 39, 40, 42, 43, 44, 52, 55, 56, 57, 63, 65, 68, 69, 70, 71, and 73; (4) from machinery, contractors' equipment, structural steel and pipe, the transportation of which, because of size or weight, requires the use of special equipment to "commodities, the transportation of which, because of their size or weight, requires the use of special equipment or handling, machinery and supplies, self-propelled vehicles, transportation equipment and metal products" in paragraphs 3, 8, and 17; (5) from machinery, contractors' equipment, structural steel, iron or steel pipe, which because of size or weight requires the use of special equipment, and machinery, supplies and equipment incidental to or used in the construction, development, operations, and maintenance of facilities for the discovery, mining and milling of lead, zinc, coal, and other minerals, and commodities, which because of size or weight, require the use of special equipment or special handling, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, machinery and supplies, transportation equipment, and metal products" in paragraphs 4, 13, and 15; (6)

from mining, excavating, construction, road and bridge building, contractors' machinery, equipment and supplies, and oil field equipment and supplies, which by reason of size or weight require special equipment, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, machinery and supplies, and transportation equipment in paragraphs 5, 7, 9, 26, 27, 33, 37, 47, 50, 51, 53 and 54; and (7) contractors' equipment and contractors' outfits consisting of road and contractors' machinery which because of size or weight require the use of special equipment and material handling equipment and parts, attachments and accessories used in connection with material handling equipment to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, and machinery and supplies in paragraphs 12, 25, 41, 49, 58, 60, 61, 62, 64, 67, and 72; (B) replace city-wide authority and facilities limitation with county-wide authority as follows: Marion, OH with Marion County, OH in paragraphs (2) and 59(a), (b), and (c); Bessemer, AL with Jefferson County, AL in paragraphs (3), (6), (9)(a), (b), (c), (10)(a), (b), (c), (22), (37), (38), (60)(a); Peoria with Peoria County, IL in paragraphs (21), (22), (23), (24)(b), (25)(b), (26), (64), (69); Birmingham, AL with Jefferson County, AL in paragraph (21), Sikeston, MO with Scott County, MO in paragraphs (33)(a), (34)(a), Dubuque with Dubuque County, IA in paragraphs (41)(a)(1), (3), (b), (42)(a)(1), (3), (4), (b), (43)(a), (b), (44)(a), (b), (45), (46), (47)(a), (b), (48)(a), (b), (49)(a), (1), (2), (b), (50)(a)(1), (2), (b), (67)(a), (b), (68)(a), (b); Texarkana, TX, with Bowie County, TX in paragraphs (51)(a), (b), (52)(a), (b); facilities at Danville, Kewanee, and Peoria, IL with Vermilion, Henry and Peoria Counties, IL in paragraph (57)(1); Memphis, TN with Shelby County, TN in paragraphs (27)(a)(4), (58)(a); Peoria, Pekin, and Joliet, IL with Peoria, Tazewell, and Will Counties, IL and Cedar Rapids and Waverly, IA with Linn and Bremer Counties IA and Milwaukee, WI with Milwaukee County, WI, in paragraphs (59)(a), (d); Milwaukee, West Allis, and Waukesha with Milwaukee and Waukesha Counties, WI in paragraphs (70), (71)(a); Milwaukee, WI with Milwaukee County, WI in paragraph (69); Decatur and Peoria, IL with Macon, and Peoria Counties, IL in paragraphs (70)(b) and (71)(b); Lake Charles and Reston, LA with Calcasieu and Lincoln Parishes, LA in paragraph (70)(a); Reserve, Lake Charles, and Reston, LA,



with St. John the Baptist, Calcasieu and Lincoln Parishes, LA in Paragraph (71)(b); in Sub-No. 345, broaden the commodity description from cooling towers, and accessories, materials and supplies for cooling towers to "equipment for heating, cooling, humidifying, dehumidifying or moving of air, gas or liquids; remove the (except commodities in bulk) restriction; remove the facilities limitation at Memphis, TN, and replace with Memphis, TN; remove the "AK and HI" exceptions; in Sub-No. 348, broaden the commodity description from aluminum and aluminum articles, copper and copper articles, brass and brass articles, and zinc and zinc articles, to "metal products"; remove the facilities limitation at Jefferson County, AL; and remove the restrictions against the transportation of the described commodities in mixed loads with iron and steel articles; in Sub-No. 349, broaden the commodity description from cement asbestos pipe, plastic pipe and fittings, materials and accessories for the commodities named above, to "cement asbestos pipe, and rubber and plastic products"; replace city-wide Van Buren, AR, and Ragland, AL, authority with county-wide authority in Crawford County, AR and St. Clair County, AL; remove the (except commodities in bulk) restriction; in Sub-No. 354, broaden the commodity description from (1) iron and steel articles and (2) steel bar joists, when moving in mixed loads with other iron and steel articles, to "metal products"; remove the (except steel bar joists) and the "AK and HI" exceptions; replace city-wide Hope, AR, authority with county-wide authority in Hempstead County, AR; in Sub-No. 355, broaden the commodity description from refined copper to "metal products"; remove the (except commodities in bulk) restriction; replace city-wide Amarillo, TX authority with county-wide authority in Potter County, TX; and remove the "AK and HI" exceptions; in Sub-No. 357, broaden the commodity description from (1) cast iron pressure pipe, valves, hydrants, and hydrant sections, and (2) parts attachments, accessories and supplies used in connection with the commodities as described in (1) above to "metal products"; replace the facilities limitation at Chattanooga, TN, and Albertville, AL, with county-wide authority in Hamilton County, TN and Marshall County, AL; remove the "AK and HI" exceptions; in Sub-No. 358, broaden the commodity description from self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools parts and supplies moving in connection therewith, to "self-propelled vehicles"; replace the plant-

site limitation at Lexington, KY, with county-wide authority in Fayette County, KY; in Sub-No. 359, broaden the commodity description from (1) tractors and (2) parts, attachments and accessories for the commodities named in (1) above, when moving in mixed loads with the commodities in (1) above, to "machinery and supplies, and transportation equipment"; remove the (except tractors used for pulling highway trailers), and (when moving in mixed loads with the commodities in (1) above); remove the ports of entry limitation; and remove the foreign commerce and ex-water restriction; in Sub-No. 360, remove the (except in bulk, in tank or dump vehicles) restriction from the commodity description waste or scrap materials and broaden the commodity description from reclaimed metals to "metal products"; and replace city-wide Huntsville, AL Knoxville and Chattanooga, TN, with county-wide authority in Madison County, AL, and Knox and Hamilton Counties, TN; in Sub-Nos. 361, 362, 363, and 368, from iron and steel articles, aluminum tanks, and parts, attachments and accessories therefor, metal poles, and steel and billets, bars and rods, to "metal products"; replace facilities limitations at Jewett, TX and Beaumont, TX, with Leon County, TX and Jefferson County, TX; replace city-wide Brenham, TX, authority, with county-wide authority in Washington County, TX; remove the "AK and HI" exceptions wherever they appear; and remove the "originating at" restriction in Sub-No. 361; in Sub-No. 364, broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; replace Yellow Creek Port Terminal and Industrial Area in Tishomingo County, MS with Tishomingo County, MS; in Sub-No. 365, broaden the commodity description from conveyors, bins, chip trailers, unassembled seed bed conditioners, and attachments for seed bed conditioners, to "machinery and supplies, and transportation equipment"; remove the "AK, AR and HI" exceptions; replace city-wide Paragould, AR, authority with county-wide authority in Green County, AR. In each of the above numbered certificates, replace existing one-way authority with radial authority over specified routes throughout the U.S.; remove the originating at and/or destined to restrictions wherever they appear in each of the above numbered certificates; and remove tacking restrictions in Sub-Nos. 169, 174, 199 (Paragraphs 10 and 12).

MC 80430 (Sub-188)X, 37 filed May 26, 1981. Applicant: GATEWAY TRANSPORTATION CO., INC., 7401 Newman Blvd., LaSalle, Quebec, CANADA H8N 1X4. Representative: Edward L. Nehez, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 100, 101, 102, 104, 105, 107, 108, 116, 117, 120, 126, 128, 129, 130, 133, 135, 136, 137, 141, 142, 144, 146, 148, 149, 150, 151, 152, 153, 154, 156, 160, 162, 163, 166, 167, 168, 169, 171, 172, 173, 176, 177, 178, 179, 181, 183 and 185 certificates to (A) remove all restrictions in its general commodities authority "except classes A and B explosives" wherever such authority appears in above-numbered certificates; and broaden its other commodity descriptions, as follows: to "food and related products" from frozen vegetables, feed, butter and eggs, poultry and eggs, and egg cases in the lead certificate (sheets 37 and 38), from canned tuna, canned mackerel, pet foods, canned vegetables and fresh fruits and vegetables in Sub-No. 135 (sheets 1 and 2), from meats and articles distributed by meat packing houses, frozen meats and by-products, unfit for human consumption, and frozen foodstuffs in Sub-Nos. 102, 142, 150, 160 and 163, and from foodstuffs in Sub-No. 154; to "metal products" from wire and wire articles, and iron and steel in the lead certificate (sheet 38), from iron and steel articles in Sub-Nos. 104 and 176, from tin or terne dross and skimmings in Sub-No. 120 (sheet 3), and from iron and steel pipe, and steel tubing in Sub-No. 144; to "rubber and plastic products" from liquid plastics in Sub-No. 108; to "furniture and fixtures" from furniture, new furniture, rugs, felts, bed springs, bed spring constructions, and materials and supplies used in the manufacture of mattresses and upholstery in the lead certificate (sheets 14 and 15); to "building materials" from window screens, door screens, patio screens, acoustical suspension system, weather stripping, channels, angles, screws, aluminum windows, wooden doors, and roof truss connector plates in Sub-No. 135 (sheets 2 and 3); to "pulp, paper and related products" from paper and paper products in Sub-No. 137, from paper bags and wrapping paper in Sub-No. 126 (sheet 2), and from woodpulp in Sub-No. 135 (sheet 2); to "machinery" from heat exchangers and heat equalizers and equipment in Sub-No. 169, and from agricultural implements in the lead certificate (sheet 38); to "electrical machinery, supplies and equipment" from fluorescent lighting fixtures, parts and supplies in Sub-No. 152 (sheet 17); to "such commodities as are dealt in by



wholesale and retail department and grocery stores and food business houses" from charcoal briquettes, hickory chips, and lighter fluid in Sub-No. 135 (sheet 2); to "textile mill products, and metal products" from twine and hardware; and to "chemicals and related products" from soap and soap products, lard substitutes, cooking oils, and merchandise premiums in the lead certificate (sheet 37); (B) eliminate "container" and "vehicle" restrictions, and eliminate exceptions of "commodities in bulk" and "those requiring special equipment" wherever they appear; (C) broaden the regular-route authority to authorize service at all intermediate points, and authorize two-way service in place of one-way authority; (D) remove restrictions against the transportation of traffic that originated at, is destined to, moving between, or interlined at various combinations of the following regular routes: lead certificate, Chicago, IL and St. Louis, MO; St. Louis, MO and Waukon and Keokuk, IA (sheet 5); Alton, IL and St. Louis, MO (sheet 32); Sub-No. 120, Pittsburgh, PA and Youngstown, OH; Sub-No. 126, specified points in FL, GA, KY, and TN; Sub-No. 129, Detroit, MI and the port of entry on the U.S.-Canada boundary line near Port Huron, MI; Sub-No. 152, Indianapolis, IN and Cincinnati, OH (sheet 3); St. Louis, MO and Vandalia, OH (sheet 12); Little Rock, AR and Pine Bluff, AR (sheet 15); Sub-No. 185, Pine Bluff, AR and Ft. Worth, TX; Sub-No. 135, specified points in WI; Sub-No. 181, specified points in MO, IL, and IN; and Sub-No. 162, Atlanta, GA, and Conyers, GA; (E) broaden the irregular-route portions of its authorities to authorize radial service in place of one-way service; and (F) substitute county-wide authority in place of the named towns and plantsites: lead certificate, Macomb County, MI (plantsite in Sterling Township, MI), Ogle County, IL (Stillman Valley, IL), Hamilton County, OH (plantsite near Fernald, OH), Cook County, IL (plantsite about 2 miles southwest of Lemont, IL), Washtenaw County, MI (plantsite near Rawsonville, MI), Oakland County, MI (plantsite in Novi Township, MI), Madison County, IL (East Alton and Wood River, IL), St. Louis County, MO (Olivette, MO), Dane County, WI (Cottage Grove, WI), Green County, WI (Albany, WI), Will County, IL (Joliet, IL), Summit County, OH (Twinsburg, OH), Lorain County, OH (plantsite in Brownheim Township, OH), Madison County, IL (Mitchell, IL), Hennepin County, MN (Robbinsdale, MN), Washington County, MN

(Newport, MN), Dakota County, MN (West St. Paul, MN), Ramsey County, MN (North St. Paul, MN), Anoka County, MN (Columbia Heights, MN), Grant and Lafayette Counties, WI (Cuba City, WI), Rock County, WI (Avalon, WI), Walworth County, WI (Williams Bay, WI), Marion County, IA (Pella, IA), Buffalo County, WI (Alma, WI), Martin County, MN (Fairmont, MN), Stephenson County, IL (Freeport, IL), Warren County, IL (Monmouth, IL), Whiteside County, IL (Rock Falls, IL), Rock Island County, IL (Rock Island and Moline, IL), Jasper County, IA (Colfax, IA), Mahaska County, IA (Leighton and Oskaloosa, IA), Marion County, IA (Knoxville, IA); Sub-No. 100, Ogle County, IL (Plantsite at Rochelle, IL); Sub-No. 101, Sheboygan County, WI (plantsite near Plymouth, WI); Sub-No. 102, Kankakee County, IL (plantsite at Momence, IL); Sub-No. 106, Winnebago County, WI (Winneconne, WI); Sub-No. 104, Kankakee County, IL (plantsites in Kankakee, IL); Sub-No. 108, Niagara County, NY (plantsite at Tonawanda, NY), Winnebago County, IA (Lake Mills, IA), Washington and Milwaukee Counties, WI (Milwaukee, WI), and Dane County, WI (Middleton, WI); Sub-No. 117, Will County, IL (plantsite in DuPage Township, Will County, IL); Sub-No. 120, Allegheny and Westmoreland Counties, PA (McKeesport, Clairton, Irwin, Oakmont, Sharpsburg, Allison Park, Carnegie, and Etna, PA), Mahoning and Trumbull Counties, OH (Struthers, Campbell, Lowellville, Columbia, Hubbard, Girard, Niles, and Warren, OH), and Washington County, PA (Atlasburg, PA); Sub-No. 126, Bulloch County, GA (plantsite at Statesboro, GA), Camden County, GA (plantsite at Woodbine, GA); Sub-No. 128, Winnebago County, IL (New Milford, IL), Ogle County, IL (Davis, IL), De Kalb County, IL (Fairdale, IL), Stephenson County, IL (Pearl City, IL), Carroll County, IL (Lanark, IL), Lee County, IL (Dixon, IL), Whiteside County, IL (Emerson, IL), and Oley County, IL (Chana, IL); Sub-No. 130, Jefferson County, KY (Plantsite near Louisville, KY); Sub-No. 135, Lake County, FL (Lake Jem, FL), Dade County, FL (Hialeah and Miami, FL), Orange County, FL (Orlando, FL), Broward County, FL (Pompano Beach, FL), and Duval County, FL (Jacksonville, FL); Sub-No. 137, Camden County, GA (plantsite near St. Marys, GA); Sub-No. 141, Jefferson County, IL (facilities near Mt. Vernon, IL); Sub-No. 142, Freeborn County, MN (plantsite at Albert Lea, MN), Linn County, IA (Cedar Rapids, IA), and Polk County, IA (Des Moines, IA); Sub-No. 144, Mercer County, PA (Sharon

and Wheatland, PA); Sub-No. 146, Webster County, KY (facilities at Sebree, KY); Sub-Nos. 150 and 163, Milwaukee and Washington Counties, WI (Milwaukee, WI); Sub-No. 151, Hennepin County, MN (facilities near Maple Grove, MN); Sub-No. 152, Peoria County, IL (plantsite near Mapleton, IL), Lee County, MS (Tupelo, MS), Warren County, OH (Lebanon, OH), Montgomery County, OH (Vandalia, OH), Madison County, MS (Cedar Hill, MS), Prentiss County, MS (Marietta, MS), Tishomingo County, MS (Golden, MS), Shelby County, TN (Memphis, TN), and Clay County, AR (Leonard, AR); Sub-No. 153, Anderson County, KY (facilities near Lawrenceburg, KY); Sub-No. 156, Marion County, IA (facilities at Knoxville, IA); Sub-No. 162, Rockdale County, GA (facilities near Conyers, GA); Sub-No. 160, Clay and O'Brien Counties, IA (facilities at Spencer and Hartley, IA); Sub-No. 167, Eau Claire and Dunn Counties, WI (facilities near Eau Claire, WI); Sub-No. 168, Leno County, AR (facilities near Leno, AR); Sub-No. 169, La Crosse County, WI (facilities in La Crosse County, WI); Sub-No. 171, Goodhue County, MN (facilities at Kenyon, MN); Sub-No. 176, Washington County, MN (facilities at Newport, MN); Sub-No. 173, White County, AR (facilities at Searcy, AR); Sub-No. 177, Nassau County, FL (facilities at Yulee, FL); Sub-No. 178, Clarke County, IA (facilities at Osceola, IA); Sub-No. 179, Posey County, IN (Mt. Vernon, IN); Sub-No. 183, Waupaca County, WI (facilities at Manawa, WI); remove facility limitation at terminal points on its regular routes as follows: in the lead certificate, Ankeny IA (ordnance plant near Ankeny, IA) (sheet 6), and Ypsilanti, MI (plant about 4 miles east of Ypsilanti, MI) (sheet 27); and Sub-No. 152, Weldon Springs, MO (site of the Weldon Springs Ordnance plant) (sheets 6 and 7). Applicant also seeks to remove restrictions limiting service to that "originating at and destined to" the named origins and destinations in Sub-Nos. 100, 102, 104, 137, 142, 150, 152 (sheet 13), 160, 163, and 167.

MC 110325 (Sub-176)X, filed May 20, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 38, 42, 43, 49, 50, 53, 68, 71, 76, 81, 85, 87, 89, 90, 91, 92, 93, 94, 96, 97, 101, 103, 108, 117, 127, and 128 certificates which authorizes service in AL, AZ, CA, CT, GA, IL, IN, IA, KY, MD, MA, MI, MO, NV, NJ, NY, OH, OK, PA, TN, UT, VA, WV, WI and WY, to: In its regular-route authority (1) remove all exceptions from



its general commodities authority except "Class A and B explosives"; (2) remove territorial restrictions which limit service to some intermediate points, no intermediate points, exclude specific intermediate points, or which provide for service for joinder purposes only, to authorize service at all intermediate points; (3) remove territorial restrictions on specifically described regular-route authority in Sub-Nos. 42 and 103, involving the states of CA, DE, MD, NV, NY, PA and UT; (4) change facility limitations and service to named off-route points to provide city or county-wide authority as follows: in Sub-No. 38, Joliet, IL, with Will County, IL; Danville, IL, with Vermillion County, IL; Petersburg, IL, with Menard County, IL; Salisbury, IL, with Sangamon County, IL; Fairfield, IL, with Wayne County, IL; West Lebanon, IN, with Warren County, IN; Fernald, OH, with Hamilton County, OH; Rossford, OH, with Toledo, OH; Acton, IN, with Marion County, IN; Fairland, IN, with Shelby County, IN; Waldron, IN, with Shelby County, IN; St. Paul, IN with Decatur County, IN; Oldenburg, IN, with Franklin County, IN; Milan, IN, with Franklin County, IN; Avon Lake, OH, with Lorain County, OH; Elyria, OH, with Lorain County; Speedway, IN, with Marion County, IN; Pandora, OH, with Putnam County, OH; Brownhelm Township with Lorain County, OH; Twinsburg, OH, with Summit County, OH; Darrowville, OH, with Summit County, OH; Mossville, IL, with Peoria County, IL; Champaign, IL, with Champaign County, IL; Lake City, MO with Jackson County, MO in Sub-No. 42, Newark, DE, with Castle County, DE; Twinsburg, OH, with Summit County, OH; Darrowville, OH, with Summit County, OH; Grand Rapids, MI, with Ottawa County, MI; Jackson, MI, with Jackson County, MI; Vassar, MI, with Tuscola County, MI; Sterling Township, MI, with Macomb County, MI; Novi Township, MI, with Oakland County, MI; Rawsonville, MI, with Washtenaw County, MI; Utica, MI, with Macomb County, MI; plantsite north of Detroit, MI, with Wayne County, MI; Kalamazoo, MI, with Kalamazoo County, MI; Elm Wall, MI, with Gratiot County, MI; Entrican, MI, with Montcalm County, MI; the Chicago, IL, commercial zone as defined by the Commission and points within 8 miles of said zone with Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will Counties, IL, and Lake and Porter Counties, IN; Midland, Bay City, Averill, Edenville, Beanerton, Galwin, Oberlin, Skeels, Prudenville, Hope, Wingars, Hockaday, Houghton Lake, Houghton Heights and Michelson, MI, with

Gladwin, Roscommon, Bay, and Midland Counties, MI; Ypsilanti, MI, with Washtenaw County, MI; plantsite near Detroit, MI, with Wayne County, MI; points in MI within 25 miles of Detroit with Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties, MI; points in PA within 25 miles of Pittsburgh with Allegheny, Armstrong, Beaver, Butter, Fayette, Washington, and Westmoreland Counties, PA and Brooke and Hancock Counties, WV; the New York, NY commercial zone as defined by the Commission in 1 M.C.C. 665 and those in NJ within 30 miles of City Hall, New York City, and those in described territory in New York with Nassau, Suffolk and West Chester Counties, NY, and Middlesex, Monmouth, Morris, Passaic, and Somerset Counties, NJ; Aliquippa, PA with Beaver County, PA; in Sub-No. 49, Middletown, CT, with Middlesex County, CT; in Sub-No. 50, Agnew, Los Attos, Mountain View, New Almaden, Permanente, Alviso, Milpitas, Sunnyvale, Alderbrook, Campbell, Holy City, Redwood Estates with Santa Clara County, CA; Aromas with Monterey and San Benito Counties, CA; Atherton, Brisbane, Daly City, Foster City, Pacifica, Portola Valley, Woodside, with San Mateo County, CA; Belvedere, Corte Madera, Fairfax, Fort Cronkhite, Fort Barry, Fort Baker, Kentfield, Larkspur, Mill Valley, Ross, San Anselmo, San Quentin, Santa Venetia, Sausalito, Tiburon, with Marin County, CA; Gabilan, Santa Rita, Spreckels, Carmel Valley, Del Monte Naval Training Center, Fort Ord, Pebble Beach, Seaside Pajaro, Del Ray Oaks, Pacific Grove, Prunedale with Monterey County, CA; Alameda, Albany, Berkeley, Emeryville, Fremont, Laurel, Mt. Eden, Newark, San Leandro, San Lorenzo, Union City, Dublin, Pleasanton, Piedmont, Altamont, Livermore, Midway, Mountain House with Alameda County, CA; Ben Lomond, Felton, Lompico, Scotts Valley, Aptos, Capitola, Corralitos, Rio de Mar, Soquel, Freedom with Santa Cruz County, CA; El Cerrito, Richmond, San Pablo, Alamo, Concord, Danville, Diablo, Pleasant Hill, San Ramon, U.S. Naval Magazine Concord, Walnut Creek, Antioch, Avon, Clyde, Lafayette, Moraga, Orinda, Orinda Village, Pittsburg, Port Chicago, Rheem Valley, West Pittsburg, Bethel Island, Byron, Knightsen, Port Costa, Crockett, El Sobrante, Hercules, Oleum, Rodeo, Selby, Tormey with Contra Costa County, CA; San Juan Bautista with San Benito County, CA; Walnut Grove, Elk Grove, Galt, Herald, Sheldon, Locke, Vorden, Freeport, with Sacramento County, CA; Clarksburg,

Davis, El Macero with Yolo County, CA; Holt, Acampo, Bethany, Banta, French Camp, Lodi, Lathrop, Lyoth, Manteca, Sharpe Army Depot, Tracy Supply Depot, Turner Station, Victor, Woodbridge, Youngstown, with San Joaquin County, CA; Benicia, Cordelia, Dixon, Elmira, Fairfield, Mankas Corner, Mare Island, Mare Island Naval Shipyard, Rockville, Suisun City, Travis Air Force Base, Vacaville, Vallejo with Solano County, CA; in Sub-No. 68, points in Grundy County, IL, lying on and east of Illinois Hwy 47 and on and north of Illinois Hwy 113 with Grundy County, IL; in Sub-No. 71, sheet No. 9, Riverbank, CA, with Stanislaus County, CA; and remove the territorial limitations to serve portions of named counties as off-route points in order to authorize service to all points in the county as off-route points as follows: Amador, Butte, Calaveras, Colusa, Fresno, Glenn, Kern, Kings, Lake, Los Angeles, Madera, Mariposa, Mendocino, Merced, Montgomery, Napa, Orange, Riverside, Sacramento, San Benito, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Shasta, Sonoma, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Ventura, Yolo and Yuba Counties, CA; in Sub-No. 76, replace a described portion of Meigs County, OH, with Meigs County, OH; in Sub-No. 79, Newman, GA with Coweta County, GA; in Sub-No. 87, Allen Township, OH with Union County, OH; in Sub-No. 89, Stillwater, OK, with Payne County, OK; in Sub-No. 90, named point in Clinton County, PA, with Clinton County, PA; in Sub-No. 91, Wintersburg, AZ, with Maricopa County, AZ; in Sub-No. 92, Milan, MI with Monroe and Washtenaw Counties, MI; in Sub-No. 93, sheet No. 3, Mount Vernon, IL with Jefferson County, IL; in Sub-No. 96, San Manuel, AZ, with Pinal County, AZ; in Sub-No. 97, Three Rivers, MI, with St. Joseph County, MI; in Sub-No. 101, replace named facilities and mines located in Pima and Pinal Counties, AZ, with Pima and Pinal Counties, AZ; in Sub-No. 103, Tooele, UT, and Green River, WY, with Tooele County, UT and Sweetwater County, WY, and replace a described portion of Washoe County, NV, with Washoe County, NV; in Sub-No. 106, Muscatine, IA, with Muscatine County, IA; in Sub-No. 117, East Troy, WI, with Walworth County, WI; in Sub-No. 128, Clinton and Marryville, TN, with Anderson and Blount Counties, TN; Applicant also proposes to remove restrictions in its irregular-route authority in Sub-Nos. 43 and 53, which authorize service in AZ in MA to (1) remove all exceptions from its general commodities authority except "Classes A and B explosives"; and (2) in



Sub-No. 53, broaden the mileage radius points within 25 miles of City Hall, Boston, MA, to Bristol, Essex, Middlesex, Norfolk, Plymouth and Suffolk Counties, MA; and (3) in Sub-No. 38, under its regular route portion (1) broaden the commodity description from iron and steel articles, as described in Groups II and III of Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to "metal products"; (2) expand its existing one-way authority to radial authority between Aurora, IN, and points in IN; and (3) eliminate the ex-water restriction.

MC 124159 (Sub-15)X, filed May 29, 1981. Applicant: DAGGETT TRUCK LINE, INC., P.O. Box 158, Frazee, MN 56544. Representative: Gene P. Johnson, P.O. Box 2471, 700 Metropolitan Bldg., Fargo, ND 58108. Applicant seeks to remove restrictions from certificates in MC-124159, and MC-124159 Sub-Nos. 1, 4, 6, 7, 11F, 12F, 13F, and its permits in No. MC-134979 Sub-Nos. 1, 3, 8, 10, 13F, 14F, and 16F, (1) to broaden the commodity descriptions in MC-124159 from brick and tile to "construction materials"; in Sub-No. 1 from barn cleaners and attachments and parts thereof when moving therewith to "machinery"; in Sub-No. 4 from lumber to "lumber and wood products"; in No. MC-124159 Sub-Nos. 6, 7, 11F, 12F and 13F and MC-134979 Sub-Nos. 1, 10, 13F, 14F, and 16F, from mink and calf feed and mink and calf feed ingredients (except commodities in bulk), animal feed and animal feed ingredients, bananas, and agricultural commodities, when moving in mixed loads with bananas, prepared food products, materials and supplies used in the manufacture and distribution of prepared food products, meat, meat products, meat byproducts, and articles distributed by meat packinghouses, feed, feed ingredients and related materials, equipment and supplies; and salt, in bags, and agricultural commodities, when moving in mixed loads with last 2 commodities, pie crusts, flour and various other foodstuffs items, to "food and related products"; in No. MC-134979 Sub-No. 8, from factory built fireplaces, factory built chimneys, and aluminum used in the manufacture of ducts, pipe, duct and fittings to "metal products, clay, concrete, glass or stone products"; materials, parts, accessories, and supplies used in the manufacture of factory built fireplaces and factory built chimneys, to "rubber and plastic products"; automatic duct formers to "machinery"; (2) to replace territorial descriptions with "between points in the U.S." in all its above-numbered permits

under continuing contract(s) with named shippers; (3) delete restrictions on commodities, such as "when moving therewith" or "in mixed loads" with other named commodities; "except commodities in bulk"; "in vehicles equipped with mechanical refrigeration", etc., wherever they appear in each certificate or permit; (4) authorize radial authority where only one-way exists in each certificate, between points located mainly throughout the central and western portions of the U.S.; (5) remove facilities limitations in No. MC-124159 (Sub-Nos. 4, 11F, and 12F); (6) delete "originating at or destined to" restrictions in No. MC-124159 (Sub-Nos. 7, and 12F); (7) eliminate the exceptions to "Moorehead, Fergus Falls, Crookston and East Grand Forks, MN" from specified MN Counties in No. MC-124159 (Sub-No. 4); (8) delete exceptions to AK and HI wherever they appear in each certificate or permit; (9) remove restriction against service to points in the Fargo and Grand Forks, ND commercial zones in No. MC-124159 (Sub-No. 4); (10) delete ex-water restriction in No. MC-124159 (Sub-No. 11F); and (11) replace city-wide authority with county-wide authority wherever the following appear in each certificate: Manawa with Waupaca County, WI; Thompson Falls with Sanders County, MT; Libby with Lincoln County, MT; Superior with Mineral County, MT; Columbia Falls with Flathead County, MT; New Holstein with Calumet County, WI; Hamilton with Allegan County, MI; Port Hueneme with Ventura County, CA; and Perham with Otter Tail County, MN.

MC 124170 (Sub-165)X, filed May 11, 1981, published in the *Federal Register* of May 29, 1981, republished as follows: Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks in its Sub 139F certificate to (1) remove the restriction against transportation of commodities in bulk, in tank vehicles; (2) remove facilities limitations; (3) remove the restriction against service to AK and HI; and (4) authorize county-wide authority in place of named facilities as base points in its radial authority between these points and points in the U.S.: Knox County for Niobrara, NE; Custer County for Broken Bow, NE; Platte County for Columbus, NE; and Phelps County for Holdrege, NE; Litchfield County for North Canaan, CT; Sumter County for Sumter, SC; Lagrange County for Shipshewana, IN; Delaware County for Hancock, NY; Morris County for Parsippany, NJ; Essex

County for Fairfield, NJ; and Hudson County for Jersey City, NJ; Coshocton County for Coshocton, OH; Knox County for Mount Vernon, OH; and Stark County for Canton, OH; Santa Clara County for Los Gatos, CA; Los Angeles County for Cerritos, CA; Ventura County for Oxnard, CA; and Solano County for Benicia, CA; Dallas County for Irving, TX; Claiborne Parish for Haynesville, LA; Marion County for Ocala, FL and Baltimore and Baltimore County for Cockeysville, MD. The purpose of this republication is to show the expansion of Cockeysville to Baltimore, MD.

MC 135953 (Sub-23)X, filed May 20, 1981. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in Sub-Nos. 6F, 7F, 9F, 12F, 15F, 16F, and 17F certificates: (A) to broaden the commodity descriptions: in Sub-No. 7, from foodstuffs (except in bulk) to "food and related products"; in Sub-No. 9, from automotive specialties and supplies to "such commodities as are dealt in or used by manufacturers and distributors of automotive products and supplies"; in Sub-No. 12, from retail store fixtures, and equipment, materials, and supplies used in the manufacture of retail store fixtures to "such commodities as are dealt in or used by manufacturers and distributors of fixtures"; in Sub-No. 15, from pet foods (except in bulk), canned goods, and materials, equipment and supplies used in the manufacture of pet foods and canned goods to "food and related products"; in Sub-No. 16, from meats, meat products, meat by-products, and articles distributed by meat-packinghouses (except hides and commodities in bulk) as described in Section A and C of Appendix I to the Report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 to "food and related products"; (B) to remove the restriction limiting transportation of traffic originating at or destined to named facilities in Sub-Nos. 6F and 16F; (C) to replace Cincinnati, OH and Melrose Park, IL for facilities at those points in Sub-Nos. 6 and 7; and (D) to replace named facilities limitations with county-wide authority as follows: in Sub-No. 12F, San Bernadino County, CA for Cucamonga, CA; Jackson County, AL for Scottsboro, AL; and Snyder County, PA for McClure, PA; in Sub-No. 15, Muscatine County, IA for Muscatine, IA; and Otter Tail County, MN for Perham, MN; in Sub-No. 16, Freeborn County, MN for Albert Lea, MN and Saline County, MO for



Marshall, MO; and in Sub-No. 17F, Essex County, MA for Andover, MA.

MC 138635 (Sub-130X), filed June 2, 1981. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005. Applicant seeks to remove restrictions from its Sub-Nos. 37, 51F, 94F, 95F, 104F, 105F, 106F, 110F, 111F, 114F, 117F, 121F, 122F, and 123F, certificates to: (A) In Sub-Nos. 37, 94F, 95F, 104F, 111F, and 117F, broaden the commodity descriptions from meats, meat products, meat by-products, and articles distributed by meat-packing houses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); foodstuffs (except commodities in bulk, in tank vehicles); citrus juices (except in bulk); and (1) confectionery and (2) supplies, materials and equipment used in the manufacture, sale, and distribution of confectionery (except in bulk), to "food and related products; Sub-No. 51, from (1) automotive parts, and (2) equipment, supplies and material used in the manufacture of automotive parts, to "transportation equipment"; Sub-Nos. 105F and 122F, from general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), to "general commodities (except Classes A and B explosives)"; Sub-No. 106F, from (1) store furnishings, fixtures, furniture, shelving, and (2) materials, equipment, and supplies used in the manufacture and distribution thereof, to "furniture and fixtures"; Sub-No. 110F, from (1) plastic articles, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities of (1) above, to "rubber and plastic products"; Sub-No. 114F, from electronic equipment, electronic components, parts and supplies used in the manufacture of electronic equipment and components, to "machinery"; Sub-No. 121F, from wooden door frames, wooden screens, wooden blinds, compressed fire logs, and wooden products, to "lumber and wood products, and furniture and fixtures"; (B) broaden the territorial description from facilities limitations and/or city-wide authority to county-wide authority: In Sub-No. 37, from Wallula, Wa, to Walla Walla County, WA; Sub-No. 94F, from Waco, TX, to McLennan County, TX; Sub-No. 110F, from Monroe, GA, to points in Walton County, GA; Sub-No.

111F, from Holcomb, KS, to points in Finney County, KS; and Sub-No. 121F, from Fort Worth and Mt. Pleasant, TX, to points in Tarrant and Titus Counties, TX; (C) remove the "originating at or destined to" restrictions in Sub-Nos. 37, 94F, 95F, 104F, 122F; (D) remove restrictions against service to AK and HI in its Sub Nos. 51F, 104F, and 108F; substitute radial authority in lieu of existing one-way authority in its Sub-Nos. 37, 94F, 95F, 104F, and 111F between named counties, and points in the U.S.; and remove a restriction limiting service to "vehicles equipped with mechanical refrigeration" in its Sub-No. 94F.

MC 142603 (Sub-48)X, filed May 29, 1981. Applicant: CONTRACT CARRIERS OF AMERICA INC., P.O. Box 179, Springfield, MA 01101. Representative: Susan E. Mitchell, P.O. Box 179, Springfield, MA 01101. Applicant seeks to remove restrictions in its Sub-Nos. 4F, 5F, 17F, 20F, 24F, 25F, 26F, 28F, 29F permits to: (1) broaden the commodity descriptions: in Sub-No. 4F, from paper and paper products (except commodities in bulk) to "pulp, paper and related products"; in Sub-No. 5F, from plastic granules and pellets in containers to "chemicals and related products"; in Sub-No. 17F, from general commodities with exceptions, to "general commodities (except Classes A and B explosives)"; in Sub-No. 20F, part (1) from rubber compounds, adhesives, resin, oils and plastic materials and chemicals (except those above) to "chemicals and related products, and rubber and plastic products"; in Sub-No. 25F, from automotive parts, automotive accessories, automotive components, and automotive equipment to "transportation equipment"; in Sub-No. 26F, from paper, printed matter, plastic binders, and envelopes, to "pulp, paper and related products and rubber and plastic products"; in Sub-No. 28F, part (1), from metal Christmas tree stands and metal hardware articles, to "metal product"; in Sub-No. 29F, from aluminum oxide (except in bulk) to "ores and minerals"; and (2) broaden the territorial scope in all Sub-Nos. to between points in the U.S. under continuing contract(s) with named shippers.

MC 143739 (Sub-53)X, filed May 20, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 1, 4F, 5F, 6F, 16F, 17F, 18F, 20F, 21F, 24F, 25F, 29F, 32F, 41F and 43F certificates to (1) broaden the commodity descriptions to "food and related products" from foodstuffs and

nonedible food products, in vehicles equipped with mechanical refrigeration, in Sub-No. 1; frozen foods (except commodities in bulk), in Sub-No. 4F; frozen foodstuffs (except in bulk), in Sub-No. 5F; frozen foods and frozen foods not fit for human consumption, in Sub-No. 6F; foodstuffs (except in bulk), in Sub-Nos. 16F and 18F; canned and preserved foodstuffs, in Sub-No. 17F; meats, meat products, meat by-products, and articles distributed by meat packing houses as described in Sections A and C of Appendix I to M.C.C. 209 and 766 (except hides and commodities in bulk), in Sub-Nos. 20F and 24F; confectionery (except in bulk) in vehicles equipped with mechanical refrigeration, in Sub-No. 25F; and frozen potato products (except in bulk), in Sub-No. 41F; frozen foods, in Sub-No. 43F; to "pulp, paper and related products" from paper and paper products (except commodities in bulk), in Sub-No. 21F, (2) remove the originating at and/or destined to restrictions, in Sub-Nos. 1, 4F, 5F, 16F, 17F, 18F, 20F, 21F, 24F, 25F, 29F and 32F, (3) remove restriction against traffic destined to Memphis, TN, in Sub-No. 18F, (4) remove restrictions against traffic originating at Franklin, KY or Urbana, OH and destined to Dallas, Irving, and Lubbock, TX, Denver, CO, Salt Lake City, UT, and La Mirada, CA, in Sub-No. 32F, (5) replace one-way authority with radial authority in all Subs (except Sub-No. 43F), and (6) broaden the territorial description by substituting county-wide and city-wide authority for city-wide authority and facilities: from facilities at Bettendorf, IA to Scott County, IA, in Sub-No. 1; from facilities at Waseca, MN to Waseca County, MN from facilities at Albert Lea, MN to Freeborn County, MN, from facilities at Fairmont, MN to Martin County, MN and from facilities at Mankato, MN to Blue Earth County, MN, in Sub-No. 4F; from facilities at Plover, WI to Portage County, WI, in Sub-No. 5F; from facilities at Belvidere, IL to Boone County, IL, in Sub-No. 16F; from facilities at Muscatine and Iowa City, IA to Muscatine and Johnson Counties, IA, in Sub-No. 17F; from facilities at Jacksonville, IL to Morgan County, IL, and from facilities at Sherman, TX to Grayson County, TX, in Sub-No. 18F; from facilities at Britt, IA to Hancock County, IA and from facilities at Mason City, IA to Cerro Gordo County, IA, in Sub-No. 20F; from facilities at Marinette, WI to Marinette County, WI, from facilities at Green Bay, WI to Brown County, WI, from facilities at Oconto Falls, WI to Oconto County, WI and from facilities at Fond du Lac, WI, to Fond du Lac County, WI in Sub-



No. 21F; facilities at Sioux City, IA to Woodbury County, IA from facilities at Omaha, NE to the Omaha, NE commercial zone and from facilities at Minneapolis, MN to Minneapolis-St. Paul, MN commercial zone, in Sub-No. 24F from facilities at Evansville, IN to Vanderburgh County, IN, from facilities at Lafayette, IN to Tippecanoe County, IN, and from facilities at Topeka, KS to Shawnee County, KS, in Sub-No. 29F; from facilities at Franklin, KY to Simpson County, KY, Dayton and Urbana, OH to Montgomery and Champaign Counties, OH, Nashville, TN to Davidson County, TN, in Sub-No. 32F; and from Grand Forks, ND to Grand Forks County, ND, in Sub-No. 41F.

[FR Doc. 81-18390 Filed 6-19-81; 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 environment nor a major regulatory action under the

Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, Williams. (Williams not participating.)

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. OPY-4-199

Decided: June 11, 1981.

MC 17037 (Sub-1), filed June 4, 1981. Applicant: JOHN CURRY, INC., 2201 E. Butler St., Philadelphia, PA 19137. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365-5141. Transporting *pulp, paper and related products*, between Philadelphia, PA and New York, NY, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, NC, PA, SC, VA, and DC.

MC 50307 (Sub-104), filed June 3, 1981. Applicant: INTERSTATE DRESS CARRIERS, INC., 215 County Ave., Secaucus, NJ 07094. Representative: Arthur Liberstein, 888 Senenth Ave., New York, NY 10106, (212) 757-8025. Transporting *such commodities* as are dealt in by department stores, (1) between points in NY, NJ, PA, CT, RI, MA, VT, DE, MD, VA, WV, OH, KY, and DC, and (2) between points in (1) above, on the one hand, and, on the other, points in FL.

MC 107107 (Sub-496), filed June 4, 1981. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave., Opa Locka, FL 33054. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Atlanta, GA, and Pensacola, FL: (a) from Atlanta over Interstate Hwy 85 to Montgomery, AL, then over Interstate Hwy 85 to junction U.S. Hwy 31, then over U.S. Hwy 31 to the AL-FL state line, then over U.S. Hwy 29 to Pensacola, and (b) from Atlanta over Interstate Hwy 85 to Montgomery, AL, then over U.S. Hwy 331 to the FL-AL state line at Florala, AL, then over FL Hwy 85 to Crestview, FL, then over U.S. Hwy 90 to Pensacola, (2) between Atlanta, GA, and Tallahassee, FL: (a) from Atlanta over Interstate Hwy 75 to junction U.S. Hwy 319 to Tallahassee, and (b) from Atlanta over U.S. Hwy 41 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction U.S. Hwy 319, then over U.S. Hwy 319 to Tallahassee, and (3) between Atlanta, GA, and Jacksonville, FL: (a) from Atlanta over Interstate Hwy 75 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Jacksonville, and (b) from Atlanta over U.S. Hwy 23 to Jacksonville, serving all intermediate points in routes (1) through (3), and the off-route points in Clayton, Cobb, De Kalb, Fulton, Gwinnett, and Henry Counties, GA.

MC 120257 (Sub-63), filed June 4, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731-8431. Transporting (1) *forest products*, and (2) *lumber and wood products*, between points in AZ, CA, CO, ID, KS, MT, NE, NV, ND, NM, OK, SD, TX, UT, and WY, on the one hand, and, on the other, points in the U.S.

MC 144927 (Sub-36), filed May 27, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (same address as applicant), (219) 261-3461. Transporting *doors, door frames, and elevator cabs*, between the facilities of Williamsburg Steel Products Co., Inc., at Brooklyn, NY, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 148077 (Sub-2), filed May 26, 1981. Applicant: JAMES L. KAMPSTRA, d.b.a. KAMPSTRA TRUCKING, 1720 Ferry St., Albany, OR 97321. Representative: James L. Kampstra, P.O. Box 368,



Albany, OR 97321, (503) 928-0540. Over regular routes, transporting general commodities (except classes A and B explosives), between Portland and Eugene, OR, over Interstate Hwy 5, serving all intermediate points and off-route points Sweet Home and Stayton, OR.

MC 154907 (Sub-2), filed June 4, 1981. Applicant: THE BUCK COMPANY, 631 W. Cherry St., Wayland, MI 49348. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting general commodities (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Cherry Hill Orchards, Inc., of Bailey, MI.

MC 156277, filed June 2, 1981. Applicant: WEEK-ENDERS INCORPORATED, 11 Fuller St., Naugatuck, CT 06770. Representative: Carolyn A. Welch (same address as applicant), (203) 729-0074. To engage in operations, in interstate or foreign commerce as a broker, at Naugatuck, CT, in arranging for the transportation, by motor vehicle, of passengers and their baggage in round trip charter, and special operations, beginning and ending at points in New Haven County, CT, and extending to points in the U.S., including AK and HI.

MC 156307, filed June 1, 1981. Applicant: ANTHONY M. BUTLER, d.b.a. PLEASURE RIDE, 16108 Ninean Ct., Upper Marlboro, MD 20870. Representative: Anthony M. Butler (same address as applicant), (301) 627-5587. Transporting passengers and their baggage, in special and charter operations, in round trip one way operations, between points in Prince Georges, Charles, Anne Arundel and Montgomery Counties, MD, on the one hand, and, on the other, points in NJ, PA, DE, MD, VA, WV and DC.

MC 156317, filed June 1, 1981. Applicant: FIDELITY TRUCKING CORP., 4556 W. 61st St., Chicago, IL 60629. Representative: Robert J. O'Hearn (same address as applicant), (312) 581-5617. Transporting general commodities (except classes A and B explosives), between the facilities of Rand McNally & Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

#### Volume No. OPY-4-201

Decided: June 12, 1981.

MC 6237 (Sub-5), filed June 1, 1981. Applicant: DONALD S. GRIMM, INC., Box 5, Maple Grove St., Lodi, OH 44254. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481-8821. Transporting salt and salt

products, between points in IL, KY, MI, OH and WV.

MC 67227 (Sub-3), filed June 1, 1981. Applicant: B & H TRUCKING CO., INC., 1441 Ferry Ave., Camden, NJ 08104. Representative: James Rutherford (same address as applicant), (609) 964-0112. Transporting (a) (1) metal products, (2) food and related products, (3) chemicals and related products, (4) building materials, and (5) rubber and plastic products, between those points in the U.S. east of ND, SD, NE, KS, OK, and TX, (b) such commodities as are dealt in or used by department stores, between the facilities of Lionel Leisure, Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S., (c) skylights, between points in Montgomery County, PA, on the one hand, and, on the other, points in the U.S., and (d) (1) metal products, (2) building materials, (3) clay, concrete, glass or stone products, and (4) coal and coal products, between Camden, NJ and Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MA, MD, NC, NH, NJ, NY, OH, PA, RI, SC, VA, WV, and DC.

MC 96697 (Sub-11), filed June 1, 1981. Applicant: CITY FREIGHT LINES, 22560 Lucerne St., Carson, City 90745. Representative: R. Y. Schureman (same address as applicant), (213) 775-6711. Transporting general commodities (except classes A and B explosives), between points in CA.

MC 112627 (Sub-37), filed June 1, 1981. Applicant: OWENS BROS., INC., P.O. Box 247, Dansville, NY 14437. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580, (716) 671-8200. Transporting general commodities (except classes A and B explosives), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

MC 119767 (Sub-369), filed June 1, 1981. Applicant: BEAVER TRANSPORT CO., 100 Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant), (312) 295-5700. Transporting such commodities as are dealt in by foodstores, between Kansas City, MO, on the one hand, and, on the other, points in AR, CO, OK, TN, TX, and WY.

MC 119837 (Sub-24), filed June 1, 1981. Applicant: OZARK MOTOR LINES, INC., 27 W. Illinois Ave., Memphis, TN 38106. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5600. Transporting general commodities (except classes A and B explosives), between points in the U.S., under

continuing contract(s) with ITT Outdoor Lighting (Fixture Division), of Southaven, MS.

MC 120257 (Sub-62) filed June 1, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731-8431. Transporting chemicals, chemical additives, clay, lignite, petroleum pitch, foundry and sand additives, bentonite, drilling mud and drilling mud additives, lost circulation material, between points in the U.S.

MC 121677 (Sub-4) filed June 1, 1981. Applicant: WARREN COUNTY FREIGHT LINES, INC., 601 Red Rd., McMinnville, TN 37110. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 347-8862. Transporting general commodities (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Gould, Inc., of St. Louis, MO.

MC 129537 (Sub-55) filed June 1, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5-Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602, (813) 229-6165. Transporting (1) textile mill products, and (2) rubber and plastic products, between points in MS, on the one hand, and, on the other, points in AR, FL, GA, LA, NC, OK, SC, TN, and TX.

MC 138157 (Sub-278) filed June 1, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant), (615) 756-7511. Transporting such commodities as are dealt in by manufacturers of hollow micron balloons, between points in Hamilton County, TN, on the one hand, and, on the other, points in the U.S.

MC 139077 (Sub-5), filed June 2, 1981. Applicant: LOOP FLEET SERVICE, INC., 1818 N. Commerce St., Milwaukee, WI 53212. Representative: James L. Sternovitz (same address as applicant), (414) 372-5100. Transporting (1) such commodities as are dealt in by department stores, between points in WI and IL, (2) alcoholic beverages, between points in IL, WI, IA, MN, MI, IN, KY, OH, and MO, (3) such commodities as are sold in retail, chain, discount and department stores, between Milwaukee, WI, on the one hand, and, on the other, points in the U.S., (4) drugs, medicines, toilet preparations, and items sold by wholesale drugs distributors, between points in IL, MI, and WI, and (5) general



commodities (except classes A and B explosives), between the facilities of Abex Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145227 (Sub-4), filed June 1, 1981. Applicant: ROGERS TRANSPORTATION COMPANY, INC., 1316 So. Blount St., Raleigh, NC 27602. Representative: David H. Permar, 327 Hillsborough St., P.O. Box 527, Raleigh, NC 27602, (919) 828-5952. Transporting (1) *petroleum and petroleum products*, and (2) *liquid fertilizer*, between points in NC, SC, and VA.

MC 146677 (Sub-6), filed June 1, 1981. Applicant: GRANNY'S EXPRESS, INC., 2101 Ross Ave., Norwood, OH 45212. Representative: E. H. van Duesen, P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clopay Corporation and Milacron Marketing Company, both of Cincinnati, OH. Duro Paper Bag Mfg. Co., of Ludlow, KY, Cincinnati, and Puritan Churchill Chemical Company, of Atlanta, GA.

MC 150247 (Sub-5), filed June 1, 1981. Applicant: VAN EERDEN TRUCKING COMPANY, INC., 1150 Freeman, S.W., Grand Rapids, MI 49503. Representative: J. Michael Smith, 800 Calder Plaza Bldg., Grand Rapids, MI 49503, (616) 459-8311. Transporting *plastic boats*, between points in the U.S., under continuing contract(s) with Leisure Life Limited, of Grand Rapids, MI.

MC 150274 (Sub-6), filed June 1, 1981. Applicant: VAN EERDEN TRUCKING COMPANY, INC., 1150 Freeman, S.W., Grand Rapids, MI 49503. Representative: J. Michael Smith, 800 Calder Plaza Bldg., Grand Rapids, MI 49503, (616) 459-8311. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Mid-America Potato Company, of Grand Rapids, MI.

MC 152547 (Sub-1), filed June 1, 1981. Applicant: E&E TRUCK LINE, INC., 7th & Olive Sts., Charleston, IL 61920. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *food and related products*, between points in IN, MO and WI, on the one hand, and, on the other, points in IL.

MC 154047, filed June 1, 1981. Applicant: C & S EXPRESS, INC., 4907 State Rt. 39, Crestline, OH 44827. Representative: James Duvall, P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *metal products*, between Baltimore, MD, Chicago, IL, and points in Richland County, OH and Starke

County, IN, on the one hand, and, on the other, points in the U.S.

MC 156087, filed June 1, 1981. Applicant: GOLD BOND TRANSPORT, INC., 808 Packerland, Dr., Green Bay, WI 54303. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Gold Bond Ice Cream, Inc., and Ace Baking Corporation, both of Green Bay, WI.

MC 156247, filed June 2, 1981. Applicant: ROBINSON CHARTER LINE, INC., 2266 Coleman St., La Canada, CA 91011. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, (213) 863-8883. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, (1) in round-trip operations, beginning and ending at points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Kern, and Ventura Counties, CA and extending to points in AZ, NV, NM, NT, CO, OR, WA, ID, MT, and WY, and (2) between points in AZ and the points in those Counties named in (1) above.

[FR Doc. 81-18350 Filed 6-19-81; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

**Note.**—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

### Motor Carriers of Property

#### Notice No. F-130

The following applications were filed in region I. Send protests to: Interstate Commerce Commission, regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 37918 (Sub-1-1TA), filed June 1, 1981. Applicant: DIRECT WINTERS TRANSPORT LIMITED, 890 Caledonia Rd., Toronto, Ontario, CD M6B 4B2. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. *Common carrier: Regular route: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Detroit, MI and the boundary of the US and CD, at Port Huron, MI and return over Interstate Hwy. 94, serving no intermediate points. Supporting shipper(s): Can-Am Freight Services, 1 Eva Rd, Etobicoke, Ontario, CD M9C 4V5; Westway Forwarding International Limited, P.O. Box 630, Concord, Ontario, CD L4K 1E1; Chi-Can Freight Forwarding, Ltd., 29 Rangemore Rd, Toronto, Ontario, CD M82 5H8.

MC 138861 (Sub-1-24TA), filed June 4, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract carrier: irregular routes: Plastic bags*, between Somerville, MA, on the one hand, and, on the other, Baltimore, MD, Washington, MO, Elkins, NC, Cleveland, OH, Oklahoma City, OK, and Neenah, WI, under continuing contract(s) with Linvure Company, Inc., of Somerville, MA. Supporting shipper: Linvure Company, Inc., 61 Clyde Street, Somerville, MA. 02145.

MC 156050 (Sub-1-1TA), filed June 4, 1981. Applicant: 4 B LINES, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *Contract carrier: Irregular Route: such commodities as are dealt in*



by a catalogue showroom company between points in the U.S., under continuing contract(s) with Service Merchandise Company, Inc. of Nashville, TN. Supporting shipper: Service Merchandise Company, Inc., 2968 Foster Creighton Drive, Nashville, TN 37202.

MC 148893 (Sub-1-9TA), filed June 1, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Rd., Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043. *General commodities (except classes A and B explosives and commodities in bulk)* between points in CT, DE, DC, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VT, WV and WI, restricted to traffic originating at or destined to the facilities of Twin Fair Distributors Corp. or its subsidiaries. Supporting shipper(s): Twin Fair Distributors Corp., 355 Harlem Rd., Buffalo, NY 14224.

MC 156103 (Sub-1-1TA), filed June 2, 1981. Applicant: MASS TRANSPORT, INC., 12 Mason Street, Worcester, MA 01609. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Contract carrier: Irregular routes: Coin, currency and instruments and documents used in the business of banks and banking institutions in armored motor vehicles escorted by armed guards*, between points in MA, RI and NH, under a continuing contract(s) with the Federal Reserve Bank of Boston, MA. Supporting shipper(s): The Federal Reserve Bank of Boston, 600 Atlantic Ave., Boston, MA 02106.

MC 155962 (Sub-1-1TA), filed June 4, 1981. Applicant: SILVER STREAK TRANSPORT, INC., 222 Willow Street, Yonkers, NY 10701. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225. *Contract carrier: Irregular routes: Tile from Laredo, TX to Ardsley, NY, under continuing contract(s) with Elon, Inc. of Elmsford, NY. Supporting shipper(s): Elon, Inc., 198 Saw Mill River Rd., Elmsford, NY 10523.*

MC 156318 (Sub-1-1TA), filed June 4, 1981. Applicant: SUNRISE FREIGHT SERVICE, INC., 637 Central Avenue, Newark, NJ 07107. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. *Contract carrier: Irregular routes: Advertising and store displays and materials and on return materials, equipment and supplies used in the manufacture and distribution thereof, except in bulk*, from Philadelphia, PA, and Newark, Trenton and Wallington, NJ to points in the U.S. except AK and HI, under continuing contract(s) with Butler Industries of Newark, NJ. Supporting shipper(s):

Butler Industries, 637 Central Ave., Newark, NJ 07107.

MC 153933 (Sub-1-2TA), filed June 8, 1981. Applicant: BESTWAY ENTERPRISES, INC., P.O. Box M-A, Hoboken, NJ 07030. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New Furniture*, between points in Guilford and Davidson Counties, NC, on the one hand, and, on the other, points in CT, FL, MA, MI, NJ, NY, RI, and TX. Supporting shipper: Thayer Coggin Inc., 427 South Road, High Point, NC 27282.

MC 149185 (Sub-1-2TA), filed June 4, 1981. Applicant: TRANSPORT E. J. BOURQUE, LIMITEE, P.O. Box 488, 1230 Industrial Boulevard, Mont Joli, Quebec, CD G5H 393. Representative: William H. Shawn, 1730 M Street, N.W., Suite 501, Washington, DC 20423. *Contract carrier: Irregular routes: Frozen foodstuffs* between points of entry on the International Boundary Line between the US and CD located in ME, on the one hand, and, on the other, points in AL, CT, DE, DC, FL, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, and VA, under continuing contract(s) with Cavendish Farms Ltd. of Prince Edward Island, CD. Supporting shipper(s): Cavendish Farms Ltd., P.O. Box 3500, Summerside, Prince Edward Island, CD CIN 5J5.

MC 125978 (Sub-1-1TA), filed June 5, 1981. Applicant: DEPENDABLE CAR TRAVEL SERVICE, INC., 130 W. 42nd Street, New York, NY 10036. Representative: Roy A. Jacobs, Esq., (Alfano & Alfano, P.C.), 550 Mamaroneck Ave., Harrison, NY 10528. *Used passenger automobiles, with or without baggage, personal effects and pets of owners of such vehicles, in driveway service*, between points in CA on the one hand, and, on the other, points in the US (except AK, CT, FL, HI, NJ, NY and PA), restricted against the transportation of vehicles (1) moving on Government bills of lading, (2) having an immediately prior or subsequent movement by rail, and (3) moving for, from or on behalf of manufactures of new automobiles and station wagons (except licensed vehicles transported for use of personnel of manufacturers). Supporting shipper(s): Premium Rent-A-Car, 5616 Geary Blvd., Suite 208, San Francisco, CA 94127; Skyways Rent-A-Car System, 1516 Kettner Blvd., San Diego, CA 92101.

MC 29963 (Sub-1-1TA), filed June 5, 1981. Applicant: B. & E. TRANSPORTATION, INC., RFD No. 4, Putnam Pike, Esmond, RI 02917. Representative: Martin M. Temkin, Esq., and David J. Tracy, Esq., Temkin, Merolla & Zurier, Ltd., 40 Westminster

St., 20th Fl., Providence, RI 02903. *General commodities (except Class A and B explosives and hazardous waste)*, between points in CT, MA, and RI. Supporting shipper(s): L & R Warehouse Corp., 129 Morgan Drive, Norwood, MA 02062; Esmond Terminal Warehouse, 10 Hampden Rd., Mansfield, MA 02050; S & M Distributing Co., 11 Commerce St., Greenville, RI 02828.

MC 156236 (Sub-1-1TA), filed June 5, 1981. Applicant: G & L TRUCKING, INC., 165 Locke Rd., Locke, NY 13092. Representative: Roy D. Pinsky, Suite 1020—State Tower Building, Syracuse, NY 13202. *Contract carrier: Irregular routes: Fabricated metal products* between points in the US, under continuing contract(s) with Triangle Steel, Inc., of Ithaca, NY. Supporting shipper(s): Triangle Steel, Inc., 726 West Clinton St., Ithaca, NY 14850.

MC 127284 (Sub-1-1TA), filed June 8, 1981. Applicant: DOMINION-CONSOLIDATED TRUCK LINES LIMITED, 775 The Queensway, Toronto, Ontario, CD M8Z 1N2. Representative: Owen B. Katzman, 1828 L Street, N.W., Suite 1111, Washington, DC 20036. *General commodities (except classes A and B explosives and hazardous wastes)*, between points in IL, IN, MI, MN, NJ, NY, OH, PA, and WI. Supporting shipper(s): There are 363 statements in support attached to this application which may be examined at the ICC Regional Office in Boston, MA.

MC 87451 (Sub-1-25TA), filed June 3, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Rd., Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as above). *Contract carrier: Irregular routes: Insulating materials, insulators, isolators, plastic articles, roofing composition prepared, adhesives and adhesive paste and materials, equipment and supplies used in the manufacture, sale, and distribution thereof (except classes A & B explosives and household goods as defined by the Commission)*, between the facilities of U.S. Mineral Products located in Netcong/Stanhope, NJ; Birmingham, AL; Huntington, IN and Fredricksburg, VA on the one hand, and points and places in the US on the other, under continuing contract(s) with U.S. Mineral Products of Stanhope, NJ. Supporting shipper(s) U.S. Mineral Products, Furnace St., Stanhope, NJ 07874.

MC 127610 (Sub-1-TA), filed June 5, 1981. Applicant: J.P. NOONAN TRANSPORTATION, INC., 436 West Street, West Bridgewater, MA 02379. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403. *Dry*



cement, in bulk, from Glens Falls, Cementon and Howes Caves, NY, and Railroad Yards at Cambridge and Framingham, MA to the facilities of A. Rotondo and Sons, Inc. at Rehoboth, MA. Supporting shipper(s): A. Rotondo and Sons, Inc., 41 Allen Avenue, Rehoboth, MA 02769.

MC 143385 (Sub-1-2 TA); filed June 5, 1981. Applicant: TRANSPORT ROBERT (1973) LTEE, 130 First Ave., P.O. Box 39, Rougemont, Quebec, CD JOL 1MO. Representative: Robert D. Schuler, 100 West Long Lake Rd. Suite 102, Bloomfield Hills, MI 48013. *Contract carrier: Irregular Routes: (1) Canned and dry pet food from ports of entry on the International Boundary between the US and CD in MI and NY to CT, IL, IN, MA, ME, MI, NH, NY, OH, PA, RI, VT and WI, and (2) materials, supplies and equipment used in the manufacture or distribution of canned and dry pet food from CT, IL, IN, MA, ME, MI, NH, NY, OH, PA, RI, VT and WI to ports of entry on the International Boundary between the US and CD in MI and NY; under continuing contract(s) with Jean Demers, Inc. of Quebec, CD. Supporting shipper(s): Jean Demers, Inc., Ville De Becancour, Gentilly, Quebec, CD Gox 1GO.*

MC 133841 (Sub-1-13TA); filed June 5, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Filters and filtering equipment, and machinery, and (2) materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above, between Birmingham, AL, on the one hand, and, on the other, San Diego and San Francisco, CA; McIntyre, GA; Chicago, IL; Ashland, KY; Paulsboro, NJ; Philadelphia, PA; and Baytown, TX. Supporting shipper(s): Goslin-Birmingham, Inc., P.O. Box 398, Birmingham, AL 35201.*

MC 144102 (Sub-1-1TA), filed June 8, 1981. Applicant: DEAKIN FINE ART TRANSPORT LIMITED, 291 Lakeshore Boulevard East, Toronto, Ontario, CD M5A 1B9. Representative: Robert D. Gunderman, P.C., Can-Am Building, 101 Niagara St., Buffalo, NY 14202. *Fine art objects and original works of art (except in armored vehicles), between ports of entry on the International Boundary line between the US and CD located in NY and VT, on the one hand, and, on the other, points in Fairfield County, CT. Supporting shipper(s): The Greenwich Workshop, 30 Lindeman Drive, Trumbull, CT 06611.*

MC 156428 (Sub-1-1TA), filed June 9, 1981. Applicant: MARSAN

WAREHOUSING & TRANSPORTATION P.O. Box 70, Jamesburg, NJ 08831. Representative: Andrew S. Soldini, P.O. Box 70, Jamesburg, NJ 08831. *Contract carrier: Irregular routes: Steel Doors, Steel Frames and Elevator Cabs, from Brooklyn, NY to all points in the US except AK and HI, under continuing contract with Williamsburgh Steel Products Co., Inc., of Brooklyn, NY. Supporting shipper: Williamsburgh Steel Products Co., Inc., 73 Paidge Ave., Brooklyn, NY 11222.*

MC 156423 (Sub-1-1TA), filed June 9, 1981. Applicant: J.R.J., INC., T/A RAIL HEAD TRANSFER, 203 Port Jersey Boulevard, Jersey City, NJ 07305. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *General Commodities having a prior or subsequent movement by water between New York, NY Commercial Zone, on the one hand, and, on the other, points in CT, PA, NJ, and NY. Supporting shipper(s): S.S.C., International, Inc., P.O. Box 825, Hackensack, NJ 07602 and Gerard Dente Trading Co., Inc., 1376 Pompton Ave, Cedar Grove, NJ 07009.*

MC 156413 (Sub-1-1TA), filed June 9, 1981. Applicant: ARCTIC EXPRESS LIMITED, 1320 Graham Boulevard, Suite 110, Montreal, Quebec, Canada H3P 3C8. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Food and related products, between ports of entry on the US-CD Boundary Line in ME, NH, VT, NY, and MI, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, OH, and MI. Supporting shippers: Bar-Well Foods, Ltd., Trenton, Ontario, Canada; Arctic Gardens, Inc., Deseronto, Ontario, Canada; and Snyder & Sons, Inc., 16 Champognat Street, Bedford, Quebec, Canada.*

MC 149114 (Sub-1-4TA), filed June 9, 1981. Applicant: NATIONAL TRANSPORT SERVICE CO., INC., 100 Industrial Ave., Edison, NJ 08837. Representative: Brian H. Siegel, Esq., 1101 Connecticut Ave. N.W., Suite 1000, Washington, DC 20036. *Contract carrier: Irregular routes: Frozen food products, between the plant site of Gold Shield Foods Inc., at or near Monticello, NY (Sullivan County), on the one hand, and, on the other, all points in the states of GA, MA, IL, OH, NJ, FL, and PA, under continuing contract(s) with The Gold Shield Foods, Inc. of Monticello, NY. Supporting shipper(s): The Gold Shield Foods Inc., 12 Delton St., Monticello, NY 12701.*

MC 133841 (Sub-1-14TA), filed June 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main Street, Lincoln

Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Generators and generating equipment, and (2) materials, equipment and supplies used in the manufacture and sale of the commodities named in (1) above, between Waukesha, WI; Boston, MA; and Teterboro, NJ, on the one hand, and, on the other, Miami, FL; Chicago and Clinton, IL; New Orleans, LA; Baltimore, MD; St. Louis, MO; Charleston, SC; Nashville, TN; and Norfolk, VA. Supporting shipper(s): W. A. Kraft Corp., 10 Henry St., Teterboro, NJ 07600.*

MC 146478 (Sub-1-1TA), filed June 9, 1981. Applicant: ULTIMATE DISTRIBUTION, INC., 50 Executive Ave., Edison, NJ 08817. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Food and related products, between the facilities used by Confectionery Consolidators, Inc. and their members, at points in the US, on the one hand, and, on the other, points in the US. Supporting shipper(s): Confectionery Consolidators, Inc., P.O. Box 708, 32 Mae Belle, Dr., Clark, NJ 07066.*

MC 156390 (Sub-1-1TA), filed May 29, 1981. Applicant: PROGRESSIVE PIER DELIVERY, INC., 1 Freeman St., Newark, NJ 07105. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410. *Plastic materials, between Monaca, PA, on the one hand, and, on the other, points in CT and NJ, and that part of NY on and south of Hwy. I-90 and on and east Hwy. I-87. Supporting shipper(s): Arco Polymers, Inc., 1500 Market St., Philadelphia, PA 19101.*

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 156389 (Sub-3-1TA), filed June 8, 1981. Applicant: MALCOLM DAVIS, Route #4, Box 124C, Waynesboro, TN 38485. Representative: Paul B. Plant and B. E. Bryant, P.O. Box 399, 225 Mahr Ave., Lawrenceburg, TN 38464. *Contract carrier: irregular routes; A. Sandals, boots and handsewn shoes, from Lawrenceburg, TN to Marlboro, MA, and, B. Raw materials for manufacturing, from Marlboro, MA to Lawrenceburg, TN. Supporting shipper: John A. Frye Shoes Co., 200 McDowell St., Lawrenceburg, TN 38464.*

MC 111936 (Sub-3-8TA), filed June 8, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. *Furniture and fixtures,*



between points in Cook County, IL, on the one hand, and, on the other, points in AL, FL, GA, KY, NC, SC, TN, VA, and WV. Supporting shipper: Douglas Furniture Corp., 5020 W. 73rd St, Chicago, IL 60638.

MC 124835 (Sub-3-11TA), filed June 10, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Petroleum and Petroleum Products*, from Wilmington, NC, to all points in AL, FL, GA, MD, and TN. Supporting shipper: Union Chemicals Division, Union Oil Co., of Calif., 17 Executive Park Drive, Suite 540, Atlanta, GA., 30329.

MC 156280 (Sub-3-1TA), filed June 8, 1981. Applicant: SYLVIA TRUCK LINES, INC., 2006 N.W. 100th St., Miami, FL 33147. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328. *General commodities, (except those in bulk, Class A & B explosives, those injurious to other commodities, hazardous materials, household goods as defined by the Commission)*, between the Ports of Miami, West Palm Beach and Port Everglades, FL and points and places in the State of FL, having a prior or subsequent movement by water. Supporting shippers: Transport Specialists to Florida, Inc., 2138 Biscayne Blvd., Miami, FL 33137; Webster Enterprises, Inc., 2006 N.W. 100th St., Miami, FL; General Corporation of Coffee, Inc., 16000 N.W. 49th Ave., Miami, FL; and Central Commodity Corp., 2006 N.W. 100th St., Miami, FL 33166.

MC 144964 (Sub-3-8TA), filed June 9, 1981. Applicant: ESSEX EXPRESS, INCORPORATED, 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Don A. Allen, 2550 M Street, N.W., Washington, D.C. 20037. *Frozen foods from (1) Vineland, NJ to Buffalo, NY; Philadelphia, Belle Vernon, and Stroudsburg, PA; Baltimore and Landover, MD; Milford and Harrington, DE; Norfolk, VA; Bristol, CT; and points in NJ; and (2) from Plant City, FL to Vineland, NJ and New York, NY.* Supporting shippers: Southland Frozen Foods, 1 Linden Place, Great Neck, NY 11021; East Coast Refrigerator Services, 1 Linden Place, Great Neck, NY 11021.

MC 144027 (Sub-3-9TA), filed June 9, 1981. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Route No. 4, Glasgow, KY 42141. Representative: Henry E. Seaton, 13th and Pennsylvania Ave., Washington, DC 20004. *General Commodities (except classes A & B Explosives)* between Barren County, KY on the one hand, and, on the other, points in KY. Supporting shipper:

Georgia-Pacific Corporation, 320 Post Road, Darien, CT 06820. Applicant intends to interline at Glasgow, KY.

MC 146434 (Sub-3-1TA), filed June 9, 1981. Applicant: GENE L. HICKS, 240 Ridgcrest Drive, Madisonville, TN 37354. Representative: Mike Hicks, Route 5, Madisonville, TN 37354. *Contract carrier; irregular; routes; scrap metal*, from Rogersville, TN to points in AL. Supporting shipper: Holston Surplus Metals, Inc., Box 649, Rogersville, TN 37857.

MC 156039 (Sub-3-1TA), filed June 9, 1981. Applicant: D. B. WADDELL, d.b.a. WADDELL TRUCKING, 118 Yates Street, Dallas, NC 28034. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier; irregular; steel products*, between all points in the United States, under continuing contract with B & G Manufacturing, Inc. and Green Bay Supply Company, Inc. Supporting shipper: B & G Manufacturing, Inc. and Green Bay Supply Company, Inc., 3067 Unionville Pike, Hatfield, PA 19440.

MC 144688 (Sub-3-15TA), filed June 8, 1981. Applicant: READY TRUCKING, INC., 2717 Campbell Boulevard, Ellenwood, GA 30049. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are dealt in by grocery and food business houses (except in bulk)*, between points in the U.S., in and east of ND, SD, NE, KS, OK, and TX, restricted to shipments originating at or destined to the facilities of or used by Hunt-Wesson Foods, Inc. Supporting Shipper: Hunt-Wesson Foods, Inc., P.O. Box 61770, New Orleans, LA 70161.

MC 117872 (Sub-3-1TA), filed June 8, 1981. Applicant: A. JOSEPH AND COMPANY, 352 E. Woodrow Wilson Ave., P.O. Box 4798, Jackson, MS 39216. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Malt beverages and materials, equipment and supplies used in the sale and distribution thereof*, between points in Jefferson County, CO, on the one hand, and, on the other, points in MS. Supporting shippers: Coors Central Mississippi, Inc., 107 Duncan Ave., Jackson, MS 39202; Austin Distributing, Inc., 111 E. Michigan Ave., McComb, MS 39648; Johnson & Johnson Beverage Co., 2620 A St., Meridian, MS 39301.

MC 156376 (Sub-3-1TA), filed June 8, 1981. Applicant: ADW, INC., 120 Tiffany Drive, Brandon, MS 39042. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39201. *Common carrier; irregular routes; building materials air conditioning and*

*heating equipment and electrical appliances* between Ellis County, TX; Fulton County, GA; Wyandotte County, KS; Lauderdale County, MS; Mobile County, AL; on the one hand, and on the other, points in AL, FL, LA, MS, and TN. Supporting shipper: Climate Masters, Inc., P.O. Box 6254, Pearl, MS 39208.

MC 156378 (Sub-3-1TA), filed June 8, 1981. Applicant: CHARLES H. BAKER, JR./BUSINESS TRUST, 921 Great Oaks Dr., Horn Lake, MS 38637. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. (1) *Water pumps, component parts of water pumps, water pump accessories and materials, equipment and supplies used in the manufacture of water pumps, water pump components and accessories*, between the facilities of Layne & Bowler, Inc. at Memphis, TN on the one hand, and, on the other, points in AZ, CA, ID, NM, NV, OR, TX, UT, WA, New Orleans, LA; Kearney, NE; Garden City, KS and Alexandria, MN, and (2) *lumber or wood products*, from points on OR, WA, CA, and ID to points in MS, TN and AR. Supporting shippers: Layne & Bowler, Inc., 993 Chelsea Ave., Memphis, TN 38108 and Interstate Plywood—A Division of DeSoto Forrest Products, Inc., 2270 S. 3rd St., Memphis, TN 38109.

MC 144225 (Sub-3-6TA), filed June 8, 1981. Applicant: JADEEL TRUCKING, INC., 8333 W. McNab Road, Tamarac, FL 33321. Representative: Raymond P. Keigher, Esquire, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. *Lumber*, from points in Hampden County, MA, to points in AL, CT, DE, FL, GA, IN, KY, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. Supporting shipper: Quaboag Transfer, Inc., Bridge & Water Streets, Palmer, MA 01069.

MC 146646 (Sub-3-44TA), filed June 8, 1981. Applicant: BRISTOW TRUCKING CO., INC., 750 Clow Road, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *General Commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions)* between points in the US restricted to service for the account of Distribution Services of America of Boston, MA. Supporting shipper: Distribution Services of America, Inc., 666 Summer Street, Boston MA 02210.

MC 30446 (Sub-3-8TA), filed June 8, 1981. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., P.O. Box 5647, 3408 North Graham Street, Charlotte, NC 28225. Representative:



Leon Thompson, P.O. Box 5647, 3408 North Graham Street, Charlotte, NC 28225. *Air conditioning equipment, furnaces and component parts and accessories thereof, and materials and supplies used in the manufacture, sale and distribution of said commodities (except commodities in bulk)* between Pulaski County, AR and Shelby, Davidson and Rutherford Counties, TN on the one hand, and, on the other hand, points in NC, SC and GA. Supporting shipper: Carrier Air Conditioning Group, Divisions of Carrier Corporation, P.O. Box 4808, Carrier Parkway, Syracuse, NY 13221.

MC 156051 (Sub-3-1TA), filed June 8, 1981. Applicant: CUMBERLAND TRANSPORT, INC., P.O. Box 492, Kingsland, GA 31548. Representative: John J. Ossick, Jr., P.O. Box 1087, Kingsland GA 31548. *Contract carrier; irregular routes; gypsum rock, in bulk, in dump vehicles*, between points in Camden County, GA, having a prior or subsequent movement by rail. Supporting shipper(s): Union Carbide Agricultural Products Company, Inc., 270 Park Ave., New York, NY 10017.

MC 156388 (Sub-3-3TA), filed June 8, 1981. Applicant: G.D.I., Route 3, Box 128, Jackson Road, Fletcher, NC 28732. Representative: D. Samuel Neill, 222 Third Avenue West, Hendersonville, NC 28739. *Contract; Irregular: Blankets and materials, equipment and supplies used in the manufacture and distribution of blankets* between points in Buncombe County, NC, on the one hand, and, on the other, points in the US, including AK and the District of Columbia. Supporting shipper: C.D. Owen Mfg. Co., P.O. Box 457, Swannanoa, NC 28778.

MC 143061 (Sub-3-6TA), filed June 8, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same as above). *Air conditioning equipment, furnaces and component parts and accessories thereof, and materials and supplies used in the manufacture, sale and distribution of said commodities (except commodities in bulk)*, between Pulaski County, AR and Shelby, Davidson and Rutherford Counties, TN, on the one hand, and, on the other, points in NC, VA, SC, and GA. Supporting shipper: Carrier Air Conditioning Group, Divisions of Carrier Corporation, P.O. Box 4808, Carrier Parkway, Syracuse, NY 13221.

MC 56799 (Sub-3-4TA), filed May 27, 1981. Republication—originally published in *Federal Register* of June 8, 1981, page 30402, volume 46, No. 109. Applicant: CLAXON TRUCK LINE, INC., P.O. Box 678, Frankfort, KY 40602.

Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *Common carrier: regular: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, (1) between Louisville and Munfordville, KY, over U.S. Hwy. 31W serving all intermediate points, (2) between Elizabethtown and Cub Run, Ky, from Elizabethtown over Ky Hwy. 61 to junction U.S. Hwy. 31E, thence over U.S. Hwy 31E to junction KY Hwy. 88, thence over KY Hwy. 88 to Cub Run, KY, and return over same route serving all intermediate points and serving Buffalo, KY, as an off-route point, (3) between Sonora and Hodgenville, KY, over U.S. Hwy. 84 serving all intermediate points, (4) between the facilities of (a) USM Corporation, Parker-Kalon Division, (b) Union Underwear Company, Inc., and (c) Ingersoll-Rand Company, at or near Campbellsville, KY, and Louisville, KY: From Campbellsville, KY, over U.S. Hwy. 68 to junction KY Hwy. 61, thence over KY Hwy. 61 to junction Interstate Hwy. 65, thence over Interstate Hwy. 65 to Louisville, KY, and return over the same route serving no intermediate points, (5) between Elizabethtown and Lexington, KY, from Elizabethtown over Blue Grass Parkway to junction U.S. Hwy. 60, thence over U.S. Hwy. 60 to Lexington serving no intermediate points but serving the junction of Blue Grass Parkway and U.S. Hwy. 127 for joinder only, and (6) between Frankfort, KY, and the junction of U.S. 127 and Blue Grass Parkway serving no intermediate points but serving the junction of U.S. 127 and Blue Grass Parkway for joinder only. Applicant proposes to tack Routes 1 through 6 above with each other and with applicant's existing authority at Louisville, Frankfort, and Lexington, KY. Applicant intends to interline at Elizabethtown, Louisville, Frankfort and Lexington, KY and Cincinnati, OH. Supporting Shipper: 15 statements of support are attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 17000 (Sub-3-3TA), filed May 22, 1981. Republication—originally published in *Federal Register* of June 8, 1981, page 30401 volume 46, No. 109. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, TN 37462. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *Common: Regular: General commodities (except classes A and B explosives)* between Chapel Hill, TN and Nashville, TN. From

Chapel Hill over US Hwy 31A to Nashville and return over the same route, serving all intermediate points. Applicant proposes to interline at Nashville, TN, and to tack with all of applicant's existing regular and irregular route authority. Applicant proposes to serve the commercial zones of all service points. Supporting shippers: Genesco, Inc., P.O. Box 1090, Nashville, TN 37202.

MC 156388 (Sub-3-1TA), filed June 8, 1981. Applicant: G.D.I., Route 3, Box 128, Jackson Rd., Fletcher, NC 28732. Representative: D. Samuel Neill, 222 Third Ave. West, Hendersonville, NC 28739. *Contract carrier; irregular routes; malt beverages, wine and brandy*, between points in CA, Eden, NC and San Antonio, TX, on the one hand, and, on the other, points in Buncombe County, NC. Supporting shipper: Skyland Beer Distributing Co., 14 Weston Rd., P.O. Box 645, Arden, NC 28704.

MC 156388 (Sub-3-2TA), filed June 8, 1981. Applicant: G.D.I., Route 3, Box 128, Jackson Rd., Fletcher, NC 28732. Representative: D. Samuel Neill, 222 Third Ave. West, Hendersonville, NC 28739. *Contract carrier; irregular routes; malt beverages, wine and brandy*, between points in CA; Detroit, MI and Ft. Wayne, IN, on the one hand, and, on the other, points in Buncombe County, NC. Supporting shipper: Ideal of Asheville, Inc., P.O. Box 15449, Asheville, NC 28813.

MC 150988 (Sub-3-4TA), filed June 10, 1981. Applicant: A&B CARTAGE, INC., 2411 Robeson Street, Fayetteville, NC 28305. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005 (202) 347-9332. *Pulp, paper, and related products*, between points in NC and Richmond, VA, and points in its commercial zone, on the one hand, and, on the other, points in FL, GA, NC, SC, TN, NJ, NY, WI, PA, OH, MI, CT, and NH. Supporting shipper(s): Reetree Company, 2100 Deepwater Terminal Road, Richmond, VA 23224; and Universal Packaging Corp., P.O. Box 32, Lumberton, NC 28358.

MC 148202 (Sub-3-4TA), filed June 10, 1981. Applicant: K & K ENTERPRISES, INC., 6223 Triport Ct., Greensboro, NC 32809. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Contract; Irregular: Paint and paint products and cleaning compounds*, between the facilities of United Coatings, Inc. at or near Chicago, IL, Memphis, TN, Indianapolis, IN, Charlotte, NC and Los Angeles, CA, on the one hand, and on the other, points in



and east of ND, SD, NE, KS, OK and TX under a continuing contract(s) with United Coatings, Inc. Supporting shipper: United Coatings, Inc., 3050 N. Rockwell, Chicago, IL 60618.

MC 141187 (Sub-3-4TA), filed June 9, 1981. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Clarence R. Haar (same as above). *Contract carrier; irregular routes; General commodities (except household goods as defined by the Commission), which are at the time moving on bills of lading issued by United Forwarding, Inc., a freight forwarder as defined in Section 10102(8) of the Interstate Commerce Act, between points in the US, under a continuing contract(s) with United Forwarding, Inc., of Omaha, NE. Supporting shipper(s): United Forwarding, Inc., 7000 Bldg., Suite 445, 7000 West Center Rd., Omaha, NE 68196.*

MC 146402 (Sub-3-16TA), filed June 12, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Canned and bottled foodstuffs and equipment, materials and supplies used in the manufacture and distribution thereof between the facilities of LOU ANA Foods, Inc. at or near Opelousas, LA on the one hand and, on the other, points in the U.S. Supporting shipper: LOU ANA Foods Inc., 731 R.R. Avenue, Opelousas, LA 70570.*

MC 99439 (Sub-3-1TA), filed June 12, 1981. Applicant: SUWANNEE TRANSFER, INC., 9800 Normandy Boulevard, P.O. Box 40764, Jacksonville, FL 32203. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. *General commodities (except Classes A & B explosives), between points in FA, FL and AL. Supporting shipper: Metro Shippers, Inc., 540 Owens Avenue, Jacksonville, FL 32205.*

MC 143956 (Sub-3-19TA), filed June 12, 1981. Applicant: GARDNER TRUCKING CO., INC., P.O. Box 493, Walterboro, SC 29488. Representative: Steven W. Gardner, Suite 1631, 3400 Peachtree Road, NE, Atlanta, GA 30326. *Contract Carrier: Irregular: General commodities (except class A and B explosives, household goods, commodities in bulk, in tank vehicles, and commodities requiring specialized equipment) between points in the United States (except AK and HI) under continuing contract with the E. I. DuPont and Co., Inc. Supporting shipment: E. I. DuPont de Nemours and Company,*

Inc., 10th & Market Street, Wilmington, DE 19898.

The following applications were filed in region 6. Send Protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 154865 (Sub-II-1TA), filed April 1, 1981. Applicant: L. K. MCKENZIE & SONS, INC., P.O. Box 567, 406 Grant St., Chambersburg, PA 17201. Representative: L. Arnold McKenzie, 2521 New Franklin Rd., Chambersburg, PA 17201. *Liquid Nitrogen, in bulk, in tank vehicles, between Baltimore, MD and points in Franklin County, PA, for 270 days. Supporting shipper Lloyd R. Bricker Twine & Fertilizer, Marion, PA 17235. The purpose of this re-publication is to show the correct spelling of the commodity.*

MC 151706 (Sub-II-3TA), filed April 30, 1981. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601. *General commodities having a prior or subsequent movement in rail piggyback service between railroad piggyback facilities located in Chicago, IL on the one hand on, on the other, points in IL, IN, KY, MI and OH for the account of White Motor Corporation for 270 days. Supporting shipper: White Motor Corporation, 34500 Grand River Ave., Farmington Hills, MI 48025.*

Originally appeared in Federal Register dated May 26, 1981.

MC 150954 (Sub-II-31TA), filed May 5, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 215, San Antonio, TX 78217. *Plastic pipe, from Siloam Springs, AR to points in AL, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NM, NC, ND, OH, OK, SC, SD, TN, TX and WI, for 270 days. Supporting shipper(s): Jet Stream Plastics, Div. of Winrock Enterprises, P.O. Box 190, Siloam Springs, AR 72761. Purpose of this re-publication is to show the origin state to be AR instead of AK.*

MC 72069 (Sub-II-14TA), filed June 8, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., DC 20005. *Foodstuffs and related products, from Zolfa Springs, FL, to points in the U.S. in and east of MN, IA, MO, AR, and TX, for 270 days. Supporting shipper: Mancini Packing Co., Zolfa Springs, FL 33890.*

MC 156310 (Sub-II-1-TA), filed June 4, 1981. Applicant: DS & L CHARTER SERVICE, INC., 3564 Marine Dr., Toledo, OH 43609. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. *Passengers and their baggage in the same vehicle in charter operations beginning and ending in points in Defiance, Erie, Fulton, Hancock, Henry, Huron, Lorain, Lucas, Ottawa, Sandusky, Seneca, Williams and Wood Counties OH, and extending to points in AR, FL, GA, IL, IN, KY, LA, MI, MO, NY, PA, TN, VA, WV, and DC for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Galloway Travel, Inc., 4151-53 Monroe St., Toledo, OH 43606; T.R.I., Inc., 129 W. Wayne, Maumee, OH 43537; Elite Travel, Inc., 2027 S. Byrne Rd., Toledo, OH 43614; Travel Horizons, Inc., 19 N. 3rd St., Waterville, OH 43566; Toledo Board of Education, 5600 Hill Ave., Toledo, OH 43615.*

MC 111289 (Sub-II-1TA), filed June 11, 1981. Applicant: RICHARD D. FOLTZ, 613 Hillcroft Ave., Cressona, PA 17929. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. *Contract: Irregular: Food and related products from the facilities of Peter Paul Cadbury, Inc., in the city of York, PA, to Philadelphia, PA, and its commercial zone, points in New Castle County, DE, and points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, NJ, under continuing contract with Peter Paul Cadbury, Inc. of Naugatuck, CT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Peter Paul Cadbury, Inc., New Haven Rd., Naugatuck, CT 06770.*

MC 65475 (Sub-II-16TA), filed June 11, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Oil country tubular goods and machinery; i.e., steel pipe and casing and fittings, sucker rods and pumps, between Oil City, PA; Galion, OH; and Wausau, WI; on the one hand, and, on the other, points in OH, OK, CO, WV, MS, ID, WI, ND, WY, LA, MI, MT, TX, SD, NM, KY, IL, and CA for 270 days. Supporting shipper: United States Steel Corp., 600 Grant St., Pittsburgh, PA 15230.*

MC 156375 (Sub-II-1TA), filed June 8, 1981. Applicant: THOMAS LOPATOFISKY, R.D. 1, Uniondale, PA 18470. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Liquefied petroleum gas, in bulk, in tank vehicles, from Watkins Glen, NY to Montgomery, PA, for 270 days. An*



underlying ETA seeks 120 days. Supporting shipper(s): Neyhart's, Inc., dba Rural Gas, 145 W. 3rd St., Williamsport, PA 17701.

MC 148859 (Sub-II-4TA), filed June 9, 1981. Applicant: MID-STATE TRADING CO., P.O. Box 3275, 2525 Trenton Ave., Williamsport, PA. Representative: Sander M. Bieber, Suite 920, 1100 Connecticut Ave. N.W., Washington, D.C. 20036. *Contract; irregular: Industrial chemical waste*, between the facilities of Bailey Controls Co., Williamsport, PA; Bowen-McLaughlin-York Co., York, PA; Ray-O-Vac Corp., South Williamsport, PA; and Corning Glass Works, Corning, NY, on the one hand, and, on the other, pts. in PA, MD, NJ, NY, OH and DE, under continuing contract(s) with the above shippers, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Ray-O-Vac Corp., 110 Reynold St., South Williamsport, PA 17701; Bailey Controls Co., Reach Rd., Williamsport, PA 17701; Bowen-McLaughlin-York Co., P.O. Box 1512, York, PA 17405; Corning Glass Works, Corning, New York 14830.

\* MC 155776 (Sub-II-1TA), filed June 8, 1981. Applicant: NYLON CAPITAL LIMOUSINE SERVICE, R.D. 3, Box 302, Seaford, DE 19973. Representative: Richard A. O'Brien (same address as applicant). *Passengers and their baggage in the same vehicle with passengers, limited to the transportation of not more than 14 passengers in any one vehicle, in special and charter operations*, (1) between Dorchester County, MD, on the one hand, and, on the other, Wicomico County Airport, Salisbury, MD; Baltimore-Washington International Airport, Anne Arundel County, MD; Washington National Airport, Gravelly Point, VA; Dulles International Airport, Fairfax-Loudoun County, VA; Philadelphia International Airport, Phila., PA; J.F. Kennedy International Airport and LaGuardia Airport, New York, NY; and (2) between Sussex County, DE; Wicomico, Caroline, Dorchester and Talbot Counties, MD, on the one hand, and, on the other, points in the U.S., for 180 days. Supporting shipper(s): Sirman's World Travel Agency, 435 Race St., Cambridge, MD 21613; Bank of Delaware Travel, 300 High St., Seaford, DE 19973.

MC 1824 (Sub-2-15TA), filed June 11, 1981. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry, 151 Easton Blvd., Preston, MD 21655. *Common; regular: General commodities, except classes A & B explosives*, serving Newell, WV, as an off-route point in connection with applicant's regular route between

Youngstown, OH, and Cleveland, OH. Applicant intends to tack authority sought with authority held under Docket No. MC 1824 and all subs thereunder. Applicant intends to interline with present connecting carriers at authorized points including but not limited to Cleveland, OH, Pittsburgh, PA, and Richmond, VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ohio Brass Company, 380 N. Main St., Mansfield, OH 44902.

MC 112668 (Sub-II-1TA), filed June 9, 1981. Applicant: HARVEY R. SHIPLEY & SONS, INC., 2601 Emory Rd., P.O. Box 266, Finksburg, MD 21048. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., Suite 301, McLean, VA 22101. *Lightweight aggregate*, from Cohoes, NY to the facilities of Flintkote Co. at Frederick, Rockville, Boyd and Baltimore, MD and pts. in the Baltimore, MD commercial zone, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Flintkote Stone Products Co., 11350 McCormick Rd., Hunt Valley, MD 21031.

MC 125076 (Sub-II-1TA), filed June 9, 1981. Applicant: SUPERIOR BUS SERVICE, INC., T/A TRAVELINES, INC., 11 Koger Executive Center, Suite 101, Norfolk, VA 23502. Representative: John B. Swain, P.O. Box 13211, Chesapeake, VA 23325. *Passengers and their baggage in the same vehicle with passengers in roundtrip charter and special operations*, beginning and ending at pts. in the cities of Norfolk, Chesapeake, Virginia Beach, Portsmouth, Hampton and Newport News, VA and Currituck County, NC and extending to pts. in the US, including AK, but excluding HI, for 180 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 17 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 106956 (Sub-II-1TA), filed June 11, 1981. Applicant: SYLVESTER TRUCKING CO., 7901 Sylvania Ave., Sylvania, OH 43560. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. *Lime, limestone and limestone products*, in bulk, from the facilities of Detroit Lime Company in Detroit, MI to points in OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Detroit Lime Company, 8800 Dix Ave., Detroit, MI 48209.

MC 148178 (Sub-6-2TA), filed May 21, 1981. Applicant: FORREST DALE BELVIN, d.b.a. DALE BELVIN TRUCKING, 277 West Sierra, Clovis, CA 93612. Representative: Dale Belvin

(same as above). *Contract carrier, Irregular routes: air conditioners, heaters, and related parts and accessories*, between points in the U.S. for the account of Lux Aire, Inc. for 270 days. Supporting shipper: Lux Aire, Inc. Elyria, OH.

MC 145979 (Sub-6-1TA), filed May 21, 1981. Applicant: CALIFORNIA EXPRESS, LTD., P.O. Box 3637, Ontario, CA 91761. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Frozen foods*, from Monterey, Santa Cruz, and Stanislaus Counties, CA, to points in AL, FL, GA, IL, KS, LA, MA, MI, NJ, NC, OH, OR, TN, TX, and WA, for 270 days. Supporting shipper: Patterson Frozen Foods, Inc., P.O. Box 114, Patterson, CA 95363.

MC 42487 (Sub-6-82TA), filed May 20, 1981. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Contract carrier, irregular routes: General commodities, (except Classes A and B explosives)*, from the facilities of Esco Corp. at Portland, OR to the facilities of Esco Corp. at Danville, IL, for the account of Esco Corp for 270 days. (Transportation authorized will not include movement of hazardous wastes.) Supporting shipper(s): Esco Corporation, 2141 N. W. 25th Ave., Portland, OR 97210.

MC 151292 (Sub-6-2TA), filed May 20, 1981. Applicant: DALE'S ARABIAN HORSE TRANSPORTATION, INC., Rt. 1 Box 197A, Cottonwood, CA 96022. Representative: James R. Dale, Rt. 1, Box 197A, Cottonwood, CA 96022. *Horses, breeding, showhorses*, between points in the U.S. except AK and HI, for 270 days. Supporting shippers: Harmony Acres, P.O. Box 697, Santa Ynez, CA 93460; Dunn's Royal Arabians, 3233 English Road, Chico, CA 91710; Lasma West, 5050 Happy Canyon Rd., Santa Ynez, CA 93460.

MC 156077 (Sub-6-1TA), filed May 21, 1981. Applicant: MAXIE JAMES HUFFMAN, d.b.a. HUFFMAN TRUCKING, 11048 Roswell Ave., Pomona, CA 91766. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. (1) *Steel plate and tinplate* from Los Angeles and Kaiser, CA and Plymouth and Provo, UT to points in AZ, CO, NV, OR, UT and WA, (2) *Tank steel* from San Luis Obispo, CA to points in AZ, CO, NV, OR, UT and WA, (3) *Steel plate* from Provo, UT to San Luis Obispo, CA, for 270 days. Supporting shippers: Paleon, Inc., 1543 W. Olympic Blvd., Su. 424, Los Angeles, CA 90015; Trusco Tank, Inc.,



3490 Broad St., San Luis Obispo, CA 93401; Robin Steel Corp., POB 4805, Irvine, CA 92716.

MC 139906 (Sub-6-73TA), filed May 19, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Parts, materials and supplies used in the installation of air-conditioning systems (except in bulk) from the facilities of G.I. Industries Inc., at or near Los Angeles and Anaheim, CA to points in the U.S. for 270 days. Supporting shipper: G.I. Industries, 2045 S. State College Blvd., Anaheim, CA 92806.*

MC 139906 (Sub-6-74TA), filed May 19, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Mint oil and peppermint oil (except in bulk) from Sunnyside, WA; Talbot, OR; Madras, OR; Caldwell, ID, to Bremen, IN and Niles, MI for 270 days. Supporting shipper: Wm. Leman, Inc., 114 N. Center St., Bremen, IN 46506.*

MC 107151 (Sub-6-2TA), filed May 21, 1981. Applicant: H. F. JOHNSON, INC., P.O. Box 1435, Billings, MT 59103. Representative: Donald L. Sand (same as applicant). *Turbo A Jet Fuel between points in MT and points in UT limited to destinations of Continental Helicopter, Inc. for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Continental Helicopters, Inc.; P.O. Box 1487, Provo, UT 84601.*

MC 107151 (Sub-6-3TA), filed May 21, 1981. Applicant: H. F. JOHNSON, INC., P.O. Box 1435, Billings, MT 59103. Representative: Donald L. Sand (same address as applicant). *Crude oil from points in ND to pipelines in MT for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Conoco, Inc.; P.O. Box 2548, Billings, MT 59103.*

MC 108380 (Sub-6-6TA), filed May 20, 1981. Applicant: JOHNSTON'S FUEL LINERS, INC., Box 100, Newcastle, WY 82701. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203. *Petroleum and petroleum products, between points in CO, ID, NV, UT and WY for 270 days. Supporting shipper(s): There are 7 shippers. Their statements may be examined at the Regional office listed.*

MC 156032 (Sub-6-2TA), filed May 18, 1981. Applicant: LEROY LEATHAM, d.b.a. ROY LEATHAM TRANSPORT, INC., 5217 S.E. Aldercrest Rd., Milwaukie, OR 97222. Representative: John H. King, 50015 S.E. Coalman Rd.,

Sandy, OR 97055. *Contract Carrier, Irregular Routes: (1) Lumber and Wood Products, and (2) Building Materials, and (3) Materials, Equipment, and Supplies used in manufacture and distribution of the commodities named in (1) and (2) above between points in the U.S., for the account of Workman's Forest Products, Inc., for 270 days. Supporting shipper: Workman's Forest Products, Inc., 9123 St. Helens St., Clackamas, OR 97015.*

MC 144572 (Sub-6-18TA), filed May 22, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, POB G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Malt beverages, from Buffalo, NY and Detroit, MI to points in CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Labatts Importers, Inc., 3980 Sheridan Dr., Amherst, NY 14226.*

MC 117551 (Sub-6-1TA), filed May 20, 1981. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan St., Denver, CO 80204. Representative: James A. Beckwith, 1365 Logan Street, Suite 100, Denver, CO 80203. *Printed materials, including books of all kinds, magazines, periodicals and newspapers, between points in CO, NM and UT, for 270 days. An underlying ETA seeks 120 days authority. There are 5 shippers. Their statements may be examined at the office listed.*

MC 145399 (Sub-6-1TA), filed May 18, 1981. Applicant: SHAY DISTRIBUTING CO., 10180 Beech Ave., Fontana, CA 92335. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. (1) *Polyester body filler, polishing and cleaning compounds, tools, parts and accessories, buffing pads, cleaning cloths, putty and paint; and (2) Materials, supplies and equipment utilized in the production or manufacture of the items set out in (1) above, between the facilities of U.S. Chemical & Plastics Co. in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: U.S. Chemical & Plastics Co. 1446 Tuscarawas W St., Canton, OH 44706.*

MC 108461 (Sub-6-4TA), filed May 20, 1981. Applicant: SUNDANCE FREIGHT LINES, INC., d.b.a. SUNDANCE TRANSPORTATION, 3737 West Buckeye Rd., Phoenix, AZ 85009. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. *Contract Carrier, Irregular routes: Meat, meat products, meat by-products and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the Report and*

*Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Southwest Beef, Inc. at Tolleson, AZ to points in OR, WA, UT, NV, CA and ID, for 270 days. Supporting shipper: Southwest Beef, Inc., P.O. Box 647, Tolleson, AZ 85353.*

MC 156084TA (Sub-6-1TA), filed May 20, 1981. Applicant: TOMPKINS & WEEKS, INC., POB 1028, North Bend, OR 97459. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. *Residual oils, in bulk, from Coos Bay, OR to points in Del Norte, Siskiyou, Humboldt, Trinity, Shasta and Tehama Counties, CA, for 270 days. Supporting shipper: Chambers Fuel Oil, Inc., POB 1180, Coos Bay, OR 97420.*

MC 123329 (Sub-6-12TA), filed May 21, 1981. Applicant: H.M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary Alberta, CD T2P 2P9. Representative: D.S. Vincent (same as above). *Bagged lime (in bulk) from ports of entry on the U.S./Canada boundary line to points in WA, ID, MT, and N.D., for 270 days. Supporting shipper: Steel Brothers Canada, Ltd., 4836-6th St. N.E., Calgary, Alberta.*

MC 156078 (Sub-6-1TA), filed May 21, 1981. Applicant: David Wesley Fessler, d.b.a. TV Facts Delivery, 10805 36th Ave., SW., Seattle, WA 98146. Representative: David Wesley Fessler (same as above). *Contract Carrier, Irregular routes: Weekly magazines or periodicals, new, from Portland, OR to points in WA, including points on the International Boundary Line between the U.S. and Canada, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Aztec Productions, 3302 SE 20th Ave., Portland, OR 97202.*

MC 117786 (Sub-6-25TA), filed May 21, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Rubber and rubber products, from Lawton, OK to the facilities of Mitchell Rubber Products, Inc. at City of Industry, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Mitchell Rubber Products, Inc., 491 Wilson Way, City of Industry, CA 91744.*

MC 152671 (Sub-6-9TA), filed June 5, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O.B. 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract carrier, irregular routes. (1) Sand, from Ottawa, MN and Taylor, WI to Los Angeles, CA. (2) Synthetic resins and materials, equipment and supplies*



used in the manufacture and distribution thereof, between the facilities of Pacific Resins & Chemicals, Inc. at Tacoma, WA; Eugene, OR; Richmond, CA; Newark, OH; and Peach Tree City, GA, on the one hand, and, on the other, points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pacific Resins & Chemicals, Inc., P.O.B. 2277, Tacoma, WA 98401.

MC 146723 (Sub-6-3TA), filed June 8, 1981. Applicant: J. C. BANGERTER & SONS, INC., 1265 N. Main St., Bountiful, UT 84010. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108. Irregular routes: (1) such commodities as are dealt in by retail and wholesale food stores from Maricopa County, AZ and Los Angeles County, CA to ID and UT; (2) building materials from ID and UT to Maricopa County, AZ and Los Angeles County, CA, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Old West Foods, Inc., Route 1, Box 26H, Honeyville, UT 84314.

MC 156407 (Sub-6-1TA), filed June 5, 1981. Applicant: JACOBSEN & COOPER, INC., d.b.a. BIG VALLEY TRUCKING, POB 2462, Stockton, CA 95201. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. Wooden poles and wooden piling from Stockton, CA, to points in NV, for 270 days. Supporting shipper: McCormick & Baxter Creosoting Co., 300 Montgomery St., No. 421, San Francisco, CA 94104.

MC 52793 (Sub-6-14TA), filed June 4, 1981. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: Jeffrey R. Graves, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Furniture and fixtures, from the facilities of Steelcase located at Grand Rapids, MI to all points in TX, LA, MS, AR, GA, FL, SC, NC, TN, AL, OK, KY, WV, KS and MO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Steelcase, Inc., Grand Rapids, MI 49501.

MC 155735 (Sub-6-1TA), filed June 4, 1981. Applicants: STEVE DANG, HUNG LY, CHING CHUAN CHU, a partnership, 461 Crow Ct., San Jose, CA 95123. Representative: Steve Dang (same as applicant). Passengers and their baggage in charter and special operations, between San Jose, CA, on the one hand and North Lake Tahoe and Reno, NV, on the other hand for 180 days. Supporting shipper(s): Phil and Steve's Lucky Tours, 633 Hermitage St., San Jose, CA 95134.

MC 155380 (Sub-6-1TA), filed June 5, 1981. Applicant: DIAMOND TRUCKING, INC., Rte. 2, Box 152, Rexburg, ID 83440. Representative: Timothy R. Stivers,

P.O.B. 1576, Boise, ID 83701. Lumber and lumber mill products, from the facilities of Castle Mountain Corporation at or near White Sulphur Springs, MT to points in ID, NV, and UT, for 270 days. Supporting shipper: Castle Mountain Corporation, P.O.B. J. White Sulphur Springs, MT 59645.

MC 128685 (Sub-6-2TA), filed June 8, 1981. Applicant: DIXON BROS., INC., P.O.D. 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. Liquefied petroleum gas, between points in Dunn and Burke Counties, ND, on the one hand, and on the other points in Meade, Pennington, Butte, Lawrence, Perkins, Harding, Ziebach and Dewey Counties, SD, for 270 days. Supporting shipper: McPherson Propane, Inc., P.O.B. 126, Sturgis, SD 57785.

MC 148000 (Sub-6-2TA), filed June 5, 1981. Applicant: C. H. DREDGE & CO., INC., 918 S 2000 W, Syracuse, UT 84041. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. Contract carriage, irregular routes, meat, meat products, and meat by products, and articles distributed by meat packinghouses, as are described in Sections A and C to Appendix I, in Report of Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 between San Angelo, TX on the one hand and on the other points in AZ, AR, CA, CO, LA, KS, NM, OK & UT, for the account of Evans Meat of Texas, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Evans Meat of Texas, Rt. 2, Box 516, San Angelo, TX 76901.

MC 145471 (Sub-6-3TA), filed June 4, 1981. Applicant: JOHN K. GRAY TRUCKING, 30 So. G St., Arcata, CA 95501. Representative: Phyllis Gray (same as applicant). (1) Lumber, lumber mill products and wood products, between the counties of Humboldt, Mendocino, and Sonoma, in CA, on the one hand and on the other points in CO, restricted to shipments moving for the account of Reid And Wright Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Reid And Wright Inc., M St. and the Foot of 14th St., Arcata, CA 95521.

MC 1515 (Sub-6-15TA), filed June 8, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same as applicant). Common carrier, regular routes: passengers and their baggage and express and newspapers, in the same vehicle with passengers, between Kingman, AZ and Seligman, AZ: from Kingman over I-40 to Seligman and return over the same route, serving all intermediate points for 180 days. An

underlying E.T.A. seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in MC-1515. Supporting shippers: Empire Machinery Co., 3140 Airway Ave., Kingman, AZ; Thrifty Rent A Car, 602 Mikes Pike, Flagstaff, AZ 86001; William K. Roach, P.O.B. 1365, Flagstaff, AZ; Janet M. Perry, 516 N James, Flagstaff, AZ 86001; Lorenzo Ruis, 321 S. Eldin, Flagstaff, AZ 86001.

MC 156363 (Sub 6-1 TA), filed June 5, 1981. Applicant: HALL MACHINE & WELDING CO., INC., 102-8 West Mermod, Carlsbad, NM 88220. Representative: Joseph William Brininstool, 1010 S Country Club Circle, Carlsbad, NM 88220. Contract Carrier, Irregular routes: Potassium Chloride (bagged) from Carlsbad, NM to points in Flatonia, TX, for KCL Sales Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: KCL Sales Inc., P.O. Box 2017, Carlsbad, NM 88220.

MC 118318 (Sub-6-4 TA), filed June 3, 1981. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, Idaho 83701. Contract Carrier, irregular routes: Commodities dealt in by retail department stores, from Seattle, WA and points in its commercial zone to points in CO, ID and UT, for 270 days. Supporting shipper: The Bon, 17000 Southcenter Pkwy., Seattle, WA 98188.

MC 139906 (Sub-6-76 TA), filed June 3, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. General commodities (except classes A & B explosives, commodities in bulk, household goods, and commodities which because of size and weight require special equipment) between points in the U.S., restricted to traffic originating at or destined to the facilities of or used by ICI America, Inc., for 270 days. Supporting shipper: ICI America Inc., Wilmington, DE 19897.

MC 139906 (Sub-6-77 TA), filed June 4, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. General commodities (except classes A and B explosives) between Philadelphia, PA; Secaucus, NJ and Chicago, IL, and points in their commercial zones, on the one hand, and, on the other, points in the U.S., restricted to shipments moving under bills-of-lading issued to West Coast Shipper's Ass'n Inc. for 270 days.



Supporting shipper: West Coast Shippers Association, 2000 S. 71st St., Philadelphia, PA 19142.

MC 156085 (Sub-6-1 TA), filed June 4, 1981. Applicant: JAMES MORRIS, d.b.a. MORRIS TRUCKING, 71 Madrid Plaza, Mesa, AZ 85201. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. *Contract carrier*, Irregular routes: *Wood and lumber, clay, mica, drywall texturing compound, wall board and iron or steel channels or studding*, between points in CA and AZ, for 270 days. Applicant possesses a 120 day ETA. Supporting shippers: Hamilton Materials, Inc., 1221 Broadway, 7th Floor, Oakland, CA 94612.

MC 123115 (Sub-6-3TA), filed June 3, 1981. Applicant: PACKER TRANSPORTATION CO., 280 Parr Blvd., Reno, NV 89512. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. 1—*Food and Kindred Products*; 2—*Pulp, Paper and Allied Products*; 3—*Chemicals and Allied Products*; 4—*Rubber and Plastic Products*; and 5—*Animal and Pet Foods*, between points in AZ, CA, CO, ID, NV, NM, MT, OR, UT, WA and WY, for 270 days. Supporting shippers: There are fifteen (15) shippers. Their Statements may be examined at the Regional Office listed.

MC 148737 (Sub-6-14TA), filed June 5, 1981. Applicant: SUNSET EXPRESS CORP., P.O.B. 27043, Salt Lake City, UT 84125. Representative: Michael A. Clark (same as applicant). *General commodities* (except Class A & B explosives and hazardous materials) between points in the US, for 270 days. Restricted to traffic shipped from the members of Wasatch Shippers Association. Supporting shipper: Wasatch Shippers Association, P.O.B. 15021, Salt Lake City, UT, 84115.

MC 148281 (Sub-6-4TA), filed June 5, 1981. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Alcoholic beverages*, from the facilities of Trojan Distributing Company in Los Angeles County, CA, to points in the U.S., for 270 days. Supporting shipper: Trojan Distributing Co., Inc., 5455 So. Boyle Ave., Los Angeles, CA 90058.

MC 156309 (Sub-6-1TA), filed June 1, 1981. Applicant: TIGER LINES, INC., 8413 Mason Drive, Stockton, CA 95209. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Contract Carrier*, Irregular routes: *General commodities, (except articles of unusual value, Class A and B explosives, household goods as defined*

*by the Commission, and articles because of their size and weight require special equipment)*, between points in the U.S. under continuing contract(s) with ITOFCA, Inc., for 270 days. Supporting shipper: ITOFCA, INC., P.O. Box 188, Clarendon Hills, IL 60514.

MC 156339 (Sub-6-1TA), filed June 4, 1981. Applicant: W C TRANSPORT, INC., 801 Rancho Dr., Suite 35 Las Vegas, NV 89106. Representative: Darwin Eugene Cass (same as applicant). *Contract Carrier*, Irregular Routes: *Cement, Concrete and Building Materials*, between Jean, NV, and points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY for the account of Las Vegas Portland Cement, Inc., for 270 days. Supporting shipper: Las Vegas Portland Cement, Inc., 801 Rancho Dr., Suite 3, Las Vegas, NV. 89106.

MC 155332 (Sub-6-1TA), filed June 8, 1981. Applicant: BELL LUXURY LIMOUSINE, 100 Sunshine Lane, Reno, NV 89502. Representative: Larry E. Bell (same address as applicant). *Passengers and their hand baggage*, in chauffeur driven limousine service, in vehicles of seven (7) passenger capacity, including driver, between points in Washoe, Douglas, and Storey Counties, and Carson City, NV, on the one hand, and, on the other, points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six (6) shippers. Their statements may be examined at the Regional Office listed.

MC 146666 (Sub-6-2TA), filed June 2, 1981. Applicant: EDWARD R. CORCORAN, d.b.a. CORCORAN TRUCKING, P.O. Box 1472, Billings, MT 59103. Representative: Edward R. Corcoran, (same as applicant). *Coal and Coal products*, except in bulk, and *Drilling Mud and other products* used by oilwell drilling companies, except bulk shipments, equipment and machinery from points in ND and WY to points in CA, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shippers: B. L. Lambirth Drilling Materials, P.O. Box 487, Bakersfield, CA 93302; Northern Mud Sales and Service, Inc., 3400 Patten, Bakersfield, CA 93308.

MC 128685 (Sub-6-3TA), filed June 9, 1981. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. *Metal products*, between points in Box Elder County, UT, on the one hand, and, on the other hand, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY, for 270 days. Supporting shipper: Nucor Corp., 4425 Randolph Rd., Charlotte, NC 28211.

MC 151800 (Sub-6-2TA), filed June 8, 1981. Applicant: JAMES A. DAVIS, d.b.a. JADCO TRANSPORTATION, 2312 Bledsoe, Las Vegas, NV 89110. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier*, Irregular routes: *Food and related products*, between points in CA and NV under contracts with De Luca Liquor & Wine, Ltd., Nevada Liquor & Wine, Ltd. and Eagle Vineyards, Ltd. for 270 days. Supporting shippers: De Luca Liquor & Wine, Ltd., Nevada Liquor & Wine, Ltd., Eagle Vineyards, Ltd., 2548 W. Desert Inne Rd., Las Vegas, NV 89109.

MC 155040 (Sub-6-2TA), filed June 8, 1981. Applicant: FRANK A. KAISER, III & LENA KAISER, a partnership, d.b.a. >L & D TRANSPORT. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830. *Adhesives, in containers*, from New Philadelphia, OH to points in AZ, CA, CO, ID, KS, NB, NV, NM, OK, OR, TX, UT, and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Miracle Adhesives, P.O. Box 770, New Philadelphia, OH 44663.

MC 144572 (Sub-6-21TA), filed June 8, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, POB G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. *Bananas*, from Galveston, TX and Gulfport, MS to Denver, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Associated Grocers of Colorado, Inc., POB 5528 T.A. Denver, CO 80217.

MC 144572 (Sub-6-22TA), filed June 8, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. *Contract carrier*, Irregular routes: *General Commodities (except Classes A and B explosives)*, between points in the U.S. under contract(s) with George C. Brandt, Inc., for 270 days. Supporting shipper: George C. Brandt, Inc., 6500 Stapleton Dr. South, Denver, CO 80216.

MC 140193 (Sub-6-3TA), filed June 8, 1981. Applicant: RICH GRANT, INC., 910 W. 24th St., Ogden, UT 84401. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111. *Animal feed*, between Ogden, UT on the one hand, and, on the other, points in WA, OR, CA, MT, AZ, CO, and WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper:



American Nutrition, Inc., 29th and Reeves, Ogden, UT 84404.

MC 156442 (Sub-6-1TA), filed June 10, 1981. Applicant: W. D. SAVAGE, d.b.a. W. D. SAVAGE TRUCKING, 2443 SW Pumice, Redmond, OR 97756. Representative: Raymond Lakey, 25-45 Pine Vista Dr., Bend, OR 97701. *Wine and malt beverage* from points in CA to points in OR for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: R & R Beverage, 63500 N. Hwy 97, Bend, OR 97701.

MC 155316 (Sub-6-1TA), filed June 9, 1981. Applicant: EARL EDWARD KLANDSTRUP, JR., d.b.a. SEE TAHOE, P.O. Box 8092, Incline Village, NV 89450. Representative: Randall M. Faccinto, P.O.B. 2819, Truckee, CA 95734. *Passengers and their baggage* in charter and special operations sightseeing and pleasure tours between points in Washoe, Carson City, Douglas and Storey Counties, NV, and those in El Dorado, Placer and Nevada Counties, CA, for 180 days. Supporting shipper: There are six shippers. Their statements may be examined at the Regional office listed.

MC 134283 (Sub-6-1TA), filed June 8, 1981. Applicant: VEDDER TRANSPORT (1974) LTD., 34416C Marshall Rd., Abbotsford, B.C., Canada V2S 5A5. Representative: Larry Wiebe (same as applicant). *Contract Carrier, irregular routes: Prefabricated homes and/or building materials pertaining to these home packages*, between ports of entry located on the International Boundary Line between the U.S. and Canada located in WA on the one hand, and, on the other, points in and West of Whatcom, Skagit, Snohomish, King and Pierce Counties, WA, for the account of National Homes Ltd., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: National Homes Ltd., P.O. Box 245, Abbotsford, B.C., Canada.

MC 112989 (Sub-6-16TA), filed June 8, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So., Eugene, OR 97405. Representative: John T. Morgans (same as applicant). *Metal products*, between Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY, for 270 days. Supporting shipper: Nucor Corp., 4425 Randolph Rd., Charlotte, NC 2811.

MC 148445, (Sub-6-2TA), filed June 9, 1981. Applicant: WLD TRUCKING COMPANY, 4527 N. 16th St., P.O. B. 32458, Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central Ave., Suite 2201, Phoenix, AZ 85012. *Contract Carrier, irregular routes: Printed matter* between the facilities of

Danner Press Corporation, Canton, OH, and points in the U.S. for the account of Danner Press Corporation for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Danner Press Corporation, 1250 Camden Ave. SW., Canton, OH 44711.

MC 143775 (Sub-6-32TA), filed June 8, 1981. Applicant: PAUL YATES, INC., P.O. Box 1059, Glendale, AZ 85301. Representative: O. Paul Yates (same address as applicant). *General commodities* (except classes A & B explosives) from the facilities of or used by Cooperative Shippers Association at points in NJ and PA, to Portland, OR, Seattle, WA, and points in TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cooperative Shippers Association, 4219 Richmond, Philadelphia, PA 19137.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-18351 Filed 6-10-81; 8:45 am]

BILLING CODE 7035-01-M

#### [Finance Docket No. 29612]

#### Chelatchie Prairie Railroad, Inc.— Petition for Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10901 and 11301

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Interstate Commerce exempts from the requirement of its prior review and approval: (1) under 49 U.S.C. 10901, the acquisition by Chelatchie Prairie Railroad, Inc. (Chelatchie), a noncarrier, of 29.5 miles of track of the Longview, Portland and Northern Railway Company (LP&N) extending between Rye Junction and Chelatchie Prairie, WA; and (2) under 49 U.S.C. 11301, the issuance by Chelatchie of 300 shares of no par value common stock for \$500,000 to finance the transaction and obtain start-up working capital.

**DATES:** These exemptions will be effective on July 22, 1981. Petitions for reconsideration of this action must be filed on or before July 13, 1981.

**ADDRESSES:** Send pleadings to: (1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th and Constitution Avenue, NW, Washington, DC 20423 and (2) Petitioner's representatives: John P. Dodge, 6000 Southport Drive, Bethesda, MD 20814 Earle V. White, White & Southwell, 2400 S.W. Fourth Avenue, Portland, OR 97201

All pleadings should refer to Finance Docket No. 29612

**FOR FURTHER INFORMATION CONTACT:** Ellen D. Hanson, (202) 275-7245.

#### SUPPLEMENTARY INFORMATION:

##### Exemption Request

Chelatchie is a newly-formed corporation not presently involved in any carrier business nor affiliated with any Commission-regulated carrier. It seeks to purchase the Chelatchie Division of the LP&N, a 29.5 mile track segment between Rye Junction (just north of Vancouver) and Chelatchie Prairie, WA. Facilities at Chelatchie Prairie formerly generated almost all of the traffic on the line. A sawmill, planing mill and plywood plant belonging to LP&N's corporate parent, International Paper Corp (IPC), generated this traffic. However, by 1979, available timber in the area had been harvested and IPC's rail traffic over the line ceased late that year. In 1980, the eruption of Mt. St. Helens followed by unusually heavy snow and ice accumulations destroyed IPC's remaining timber prospects and crushed the buildings still standing.

Despite the loss of the primary past source of traffic along the line, Chelatchie anticipates that future development of sites along the line could make the line profitable in the future. On September 10, 1981, it contracted to purchase the line with related improvements, structures and operating property for \$450,000. Of this sum, \$25,000 has been paid as a deposit, with the balance due at consummation.

To finance the proposed acquisition, Chelatchie will issue 300 shares of no par value common stock to five individuals for a total consideration of \$500,000. Of this amount, \$450,000 will finance the proposed acquisition transaction and the remaining \$50,000 will be used as start-up working capital.

##### Procedural Issue

The Railway Labor Executives' Association (RLEA) and the Brotherhood of Locomotive Engineers (BLE) have filed protests against the proposed exemptions. They ask that the exemption petition be denied or, alternately, set for oral hearing. If the exemption petition is granted, they ask for specified employee protection. Chelatchie has filed motions to strike the protests, contending that they are inappropriate at this time and that the labor organizations lack standing because they have not indicated that they represent any of the four employees who work on the line.



Our exemption procedures<sup>1</sup> do not specifically provide for the submission of any protests prior to an initial Commission decision-notice on the merits of the petition. Under these procedures, parties concerned with a proposed exemption are invited to state their concerns in a petition for revocation filed within 30 days after notice of the Commission's action is published in the *Federal Register*.

<sup>2</sup>Nonetheless, our rules do not specifically preclude the filing of comments before this period, and the RLEA and BLE "protests" will not delay this proceeding.

Nor is this an appropriate case to resolve the standing issue raised by petitioner. The protests do not indicate whether any affected employee is represented by RLEA or BLE, but they also fail to indicate whether RLEA and BLE might have cognizable interests even absent representation. Accordingly, we will deny the motions to strike and accept the protests into the record.

#### The Statute

The acquisition by a noncarrier of a line of railroad requires Commission approval under 49 U.S.C. 10901; see *Prairie Trunk Railway—Acquisition and Operation*, 348 I.C.C. 832, 850-851 (1977). Similarly, the issuance of securities by a corporation organized to provide rail transportation requires our approval under 49 U.S.C. 11301.

However, 49 U.S.C. 10505 (amended by section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96-448, October 14, 1980) allows the Commission to exempt a transaction if it finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a; and (2) either the transaction is limited in scope, or regulation is not needed to protect shippers from the abuse of market power.

#### Discussion and Conclusions

##### Rail Transportation Policy

Neither the proposed acquisition nor the related issuance of stock will have an impact on interstate commerce or the national rail industry. The proposed acquisition is purely local and merely involves a change in ownership of 29.5 miles of railroad. The change in ownership (financed by the related

stock issuance) should increase the likelihood that rail service will continue over the involved line in the future. The issuance of stock is merely to facilitate the acquisition, and thus is an integral part of the acquisition. Our prior approval of the transaction is accordingly not necessary to carry out the goals of the rail transportation policy outlined in section 10101a. Indeed, exempting the transactions will facilitate at least one of the policy objectives of section 10101a—to minimize the need for regulatory control and to require expeditious decisions when regulation is necessary. The exemptions granted here should, in fact, enhance the possible benefits of the proposed transactions. The exemptions would eliminate filing fees, regulatory costs and legal costs which could be disproportionately expensive for such small transactions.

##### Limited Scope and Abuse of Market Power

Petitioner must demonstrate that its proposal is either of limited scope or that regulation is not necessary to protect shippers from the abuse of market power. The proposed transactions satisfy both of these criteria.

The proposed acquisition involves a 29.5 mile of line located in one County of Washington. The proposed acquisition (and related stock issuance) will merely maintain the *status quo* and enhance the likelihood that future service will be provided along this line. There will be no evident adverse effect on energy consumption or on the environment. For these reasons, we conclude that the proposals are of limited scope.

For the same reasons, we also conclude that our regulation of the proposed acquisition is not necessary to protect shippers from the abuse of market power. The proposed acquisition should help retain the availability of rail service. The proposed stock issuance will implement the financing of this acquisition. There is no indication that the shipping public could be harmed by this action.

##### Labor Protection

Only four LP&N employees work on the involved track, some on a part-time basis only. Chelatchie states that it would offer these employees continued employment and hence their status would not change. The protests of RLEA and BLE provide no contrary information.

Under the circumstances, we find no need to require employee protection as a condition to exempting the acquisition transaction. The imposition of labor protection in situations governed by 49

U.S.C. 10901 is discretionary. (See 49 U.S.C. 10901(e) as amended by Staggers Act). In the past, we have not found it necessary to impose employee protective conditions in most section 10901 transactions, and there is nothing in the petition to indicate a need for imposing such conditions here. The exemption of the proposed acquisition transaction from the requirements of section 10901, therefore, will not be subject to any employee protective provision.

##### We Find

(1) The application of the requirements of 49 U.S.C. 10901 and 11301 to the transaction described above is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a.

(2) Regulation of the transactions described is not necessary to protect shippers from the abuse of market power.

(3) The transactions are of limited scope.

(4) This decision will not relieve petitioner from obligations (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707 (See 49 U.S.C. 10505(e)) or (b) to protect the interest of employees.

(5) This action will not significantly affect either energy consumption or the quality of the human environment.

##### It is ordered:

(1) The motions to strike the protests are denied.

(2) Pursuant to 49 U.S.C. 10505, we exempt:

(A) from 49 U.S.C. 10901, the acquisition by Chelatchie Prairie Railroad, Inc. of the above described 29.5 miles of line owned by Longview, Portland and Northern Railway Company; and

(B) from 49 U.S.C. 11301, the issuance of 300 shares of no par value common stock of Chelatchie Prairie Railroad, Inc.

(3) If these transactions are consummated, Chelatchie Prairie Railroad, Inc. and Longview, Portland and Northern Railway Company shall, within 60 days of consummation, submit 3 copies of a sworn statement showing all journal entries required to record the transaction.

(4) Notice of our action here shall be given to the general public by delivery of the copy of this decision to the Director, *Federal Register* for publication.

(5) This exemption will continue in effect for one year from the effective date of this decision. The parties must consummate these transactions during

<sup>1</sup> Ex Parte No. 400, *Modification of Procedure for Handling Exemptions filed under 49 U.S.C. 10505*, served December 29, 1980, 45 FR 85180 as clarified by a supplemental decision served January 21, 1981, 46 FR 7505.

<sup>2</sup> Where we believe it necessary, we publish a notice soliciting comment prior to taking any action. *Id.* at 3-4.



that time in order to take advantage of the exemptions we have granted.

(6) This decision shall be effective 30 days from its date of publication in the **Federal Register**.

(7) Petitions to stay the effective date of this decision must be filed no later than 10 days following the date of publication in the **Federal Register**.

(8) Petitions to reopen this proceeding must be filed no later than 20 days following the date of publication in the **Federal Register**.

Dated: June 16, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum and Gilliam. Acting Chairman Alexis was absent and did not participate.

James H. Bayne,  
Acting Secretary.

[FR Doc. 81-18352 Filed 6-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-142 (Sub-No. 1)]

#### Removal of Restrictions From Authorities of Motor Carriers of Property

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Reappointment of Employment Board Members.

**SUMMARY:** On January 15, 1981 (46 FR 3532), the ICC published notice of establishment of a special Restriction Removal Employee Board. This Board has been delegated the functions set forth in 49 CFR 1011.6(1), which was added in that document. Under that section the Board decides applications seeking to remove operating restrictions or to broaden unduly narrow authority in outstanding certificates or permits filed under 49 CFR Part 1137.

On June 11, 1981, the ICC voted to reappoint the following employees to serve as members of the Restriction Removal Board for terms of six months each: Howell I. Sporn, Chairman, Jane Alspaugh, and Mark S. Shaffer.

**EFFECTIVE DATE:** Upon publication in the **Federal Register**.

**COMMENTS:** Since this is a final action taken to affect internal organization matters, provisions for formal comments are unnecessary under 5 U.S.C. 553(b)(A).

**FOR FURTHER INFORMATION CONTACT:** Ombudsman's Office, (202) 275-7440, or Edward E. Guthrie, (202) 275-7691.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Dated: June 11, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

James H. Bayne,  
Acting Secretary.

[FR Doc. 81-18349 Filed 6-19-81; 8:45 am]

BILLING CODE 7035-01-M

#### DEPARTMENT OF JUSTICE

##### Notice of Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants by National Steel Corp. at its Weirton, W. Va. Plant

In accordance with Department policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 8, 1981, a proposed consent decree in *United States v. National Steel Corporation, State of West Virginia, ex rel. West Virginia Air Pollution Control Commission, Intervenor* (No. 81-00005-W(H), N.D.W.Va.), was lodged with the United States District Court for the Northern District of West Virginia. The proposed consent decree covers National Steel Corporation's integrated steel making plant in Weirton, West Virginia. The decree is part of a nationwide settlement between the U.S. Environmental Protection Agency and National Steel at its plants in Michigan, Illinois, and West Virginia under the Clean Air Act and Clean Water Act. Decrees have already been entered in the District Courts of the Eastern District of Michigan and the Southern District of Illinois with respect to the Michigan and Illinois plants. The West Virginia decree requires National to bring its West Virginia Plant into compliance with the requirements for particulate matter and sulfur dioxide of the Clean Air Act and the West Virginia state implementation plan by installation of pollution control equipment at the coke oven batteries, basic oxygen furnaces, blast furnaces, and sinter plant by no later than December 31, 1982, and by shut down of several coke oven batteries and construction of a new battery. Mass and visible emission limits for particulate matter required under the decree are comparable in some cases and identical in other cases to the West Virginia implementation plan requirements and reflect that degree of emission reduction represented by installation of reasonably available control technology ("RACT"), as required by the Clean Air Act. In lieu of payment of civil penalties, National has agreed to the installation of control equipment at this and other plants for which decrees have been entered which exceed the requirements of law.

The decree is a modification of a decree previously approved by the Department of Justice, EPA and National which was lodged with the District Court for the Northern District of West Virginia on February 9, 1981, and notice of which was published in the **Federal Register** on February 23, 1981, 46 FR 13610. The modifications were made in response to comments submitted by the State of West Virginia to the Department of Justice and are the result of negotiations between the United States EPA, U.S. Department of Justice, National Steel Corporation and the State of West Virginia. The principal differences between the prior decree and the present decree are the following:

(a) West Virginia is a party to the decree;

(b) The visible emission limitations for the coke oven battery stacks; basic oxygen furnace main gas cleaning stack, roof monitor, secondary gas cleaning device(s) and hot metal transfer station; sinter plant main windbox, discharge end and cooler end stacks; blast furnace case house buildings and gas cleaning device, are changed, essentially by providing for an opacity cap during periods of exceptions from the emission requirements. Further, several emission points not previously controlled by a visible emission limit under the prior decree are required to meet visible emission limits under this proposed decree (for example, the sinter plant windbox and the coke battery stacks).

(c) West Virginia will be entitled to 5% of whatever stipulated payments National must make under the proposed decree for violations of emission limits or construction schedules; the U.S. is entitled to the other 95%.

(d) National has agreed to pay West Virginia a \$100,000 civil penalty for violation of some of its prior administrative orders.

(e) The decree does not set forth specific LAER limits with respect to National's planned new coke battery; however National is required to meet all applicable limits required by law, including limits at least as stringent as those provided for the other coke batteries in the decree.

(f) There are some changes in the Appendices regarding test methods in order to conform these methods to the revised visible emission limits.

In all other respects the prior decree is unchanged.

The proposed consent decree may be examined at the Clerk's office, United States District Court for the Northern District of West Virginia, Room 207, Old Post Office Building, 12th and Chapline Streets, Wheeling, West Virginia 26003,



and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. There is a copying charge of \$5.50 reflecting a rate of \$.10 per page for the 55-page decree and appendices. Checks should be made payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of fifteen (15) days from the date of this notice. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States v. National Steel Corporation et al.*, (No. 81-00005-W(H), N.D.W.Va.), D.J. Ref. 90-5-2-1-318.

Carol E. Dinkins,  
Assistant Attorney General, Land and  
Natural Resources Division.

[FR Doc. 81-18402 Filed 6-19-81; 8:45 am]

BILLING CODE 4410-10-M

## NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-269, 50-270 and 50-287]

### Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 98, 98 and 95 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the licenses and Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise License Condition 3.E. and the common TSs related to facility fire protection modifications. Clarification is also provided for the Fire Protection Safety Evaluation which was issued on August 11, 1978. These amendments and the clarification represent completion of previous NRC review effort related to fire protection features and do not involve any conflicts with the requirements of Appendix R to 10 CFR Part 50.

The applications for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated March 18, 1981, and May 15, 1981, (2) Amendments Nos. 98, 98, and 95 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. 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 June 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,  
Chief, Operating Reactors Branch No. 4,  
Division of Licensing.

[FR Doc. 81-18406 Filed 6-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-387 and 50-388]

### Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 and 2); Order of Prehearing Conference

June 16, 1981.

The parties to this proceeding shall appear at a prehearing conference to be held at 9:00 a.m. on July 22, 1981, in courtroom #1 at the Federal Building and Courthouse, 197 South Main Street in Wilkes-Barre, Pennsylvania.

This conference, which will continue on July 23, if necessary, is required by

the Commission's Rules, under 10 CFR 2.752, and will consider the following:

- (1) Simplification, clarification and specification of the issues;
- (2) The necessity or desirability of amending the pleadings;
- (3) The obtaining of stipulation and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;
- (4) identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;
- (5) The setting of a hearing schedule; and
- (6) Such other matters as may aid in the orderly disposition of the proceeding.

Dated at Bethesda, Md., this 16th day of June 1981.

For the Atomic Safety and Licensing Board.

James P. Gleason,  
Chairman, Administrative Judge.

[FR Doc. 81-18407 Filed 6-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-260]

### Tennessee Valley Authority; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit No. 2 (the facility) located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

This amendment changes the Technical Specifications to remove the power spiking penalty from the linear heat generation rate limits for 8x8, 8x8R and P8x8R fuel assemblies.

The application for this 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 February 20, 1981, (2) Amendment No. 67 to License No. DPR-52, 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 Athens Public Library, South and Forrest, Athens, Alabama 35611. 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, Md., this 12th day of June 1981.

For the Nuclear Regulatory Commission,  
Thomas A. Ippolito,  
Chief, Operating Reactors Branch No. 2,  
Division of Licensing.

[FR Doc. 81-18408 Filed 6-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-259, 50-260, and 50-296]

#### Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR-33, Amendment No. 69 to Facility Operating License No. DPR-52 and Amendment No. 44 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised the licenses for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance and are to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

These amendments add a condition to each of the Facility Operating Licenses to require the licensee to follow all provisions of the Commission approved Guard Training and Qualification Plan, including amendments and changes made pursuant to 10 CFR 50.54(p), within 60 days of the date of these amendments.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filing dated August 17, 1979, as supplemented by letters dated February 20, 1980, June 2, 1980, October 24, 1980, and April 7, 1981 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. 72 to License No. DPR-33, Amendment No. 69 to License No. DPR-52, and Amendment No. 44 to License No. DPR-68 and (2) the Commission's letter to the licensee dated June 15, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. 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, Md., this 15th day of June 1981.

For the Nuclear Regulatory Commission,  
Thomas A. Ippolito,  
Chief, Operating Reactors Branch No. 2,  
Division of Licensing.

[FR Doc. 81-18409 Filed 6-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

#### Yankee Atomic Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Rowe, Franklin County, Massachusetts. The

amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to defer certain Inservice Inspection and Testing requirements until the end of the scheduled 1981 refueling outage, and supplements our authorization for these changes given on January 12, 1981.

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 22, 1980 (Proposed Change No. 172), (2) Amendment No. 68 to License No. DPR-3, (3) the Commission's related Safety Evaluation, and (4) the Commission's previously issued authorization dated January 12, 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 Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2), (3) and (4) 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, Md., this 8th day of June 1981.

For the Nuclear Regulatory Commission,  
Dennis M. Crutchfield,  
Chief, Operating Reactors Branch No. 5,  
Division of Licensing.

[FR Doc. 81-18410 Filed 6-19-81; 8:45 am]

BILLING CODE 7590-01-M

#### Advisory Committee on the Medical Uses of Isotopes; Public Meeting

The Nuclear Regulatory Commission's (NRC) Advisory Committee on the Medical Uses of Isotopes (ACMUI) will hold a public meeting at 9:00 a.m. on



Monday, August 31, 1981 at the Ramada Inn, O'Hare Airport, Chicago (Des Plaines), Illinois.

The following agenda is scheduled:

1. *Training and Experience Criteria for Physician-Users.* The Committee, which began discussion on this topic at the January 18, 1980 meeting, and subsequently discussed it during the August 18, 1980 meeting, will continue its review of NRC's current physician-user qualification program.

By way of background, NRC's objective is to ensure that authorized physician-users have sufficient training and experience to handle safely the radioactive material they request. The current criteria are stated in Appendix A, Regulatory Guide 10.8 (Revision 1), October 1980 for Groups I through VI (as listed in 10 CFR 35.100) and in NUREG-0339 for teletherapy. Copies of these guides may be obtained by contacting Mrs. Patricia Vacca, Medical and Academic Section, Material Licensing Branch at (301) 427-4232.

Evidence of adequate training and experience may be documented by using Supplements A and B of Form NRC-313M. In lieu of documenting training and experience by submitting Supplements A and B, Form NRC-313M, a physician may submit evidence of certification by certain medical specialty boards. The current acceptable specialty board and nuclear medicine/therapy procedures are referenced in Appendix A and in NUREG-0339.

Additional information concerning physician-user training and experience criteria and previous related ACMUI meetings is contained in 44 FR 73170 and 45 FR 42904.

In its continuing review of this matter, the Advisory Committee will consider:

a. Acceptance of proposed Appendix A, Regulatory Guide 10.8 which incorporates changes recommended by the Committee during its last meeting. These changes include the Federated Council of Nuclear Medicine Organizations' proposal that physicians using radioactive material in human subjects have a minimum of six months of special education, training and experience in these uses. Essentially, this change increases the minimum time for a physician applicant to obtain the necessary training and experience from the present three months to six months. The Committee agreed with this recommendation as applied to diagnostic nuclear medicine and nuclear cardiology.

This discussion will also focus on the training and experience criteria for individual physicians desiring limited licenses. Specifically, should physicians who request authorization only for one

or two specific diagnostic procedures or for the therapeutic procedures in Groups IV and V be required to complete identical training and experience as physicians requesting authorization for diagnostic procedures (Groups I-III)?

b. Acceptance of osteopathic boards of certification as indicating evidence of adequate training and experience for NRC licensing purposes. The American Osteopathic College of Radiology and the American Osteopathic Board of Radiology are to present additional information concerning the nature and content of their board examinations.

c. Acceptance of certification by the American Board of Nuclear Medicine as evidence of adequate training and experience to perform the therapeutic procedures listed in Groups IV and V (as listed in 10 CFR 35.100). The American Board of Nuclear Medicine is to present additional information concerning the contents of their board examination as it applies to the uses of the therapeutic materials contained in these groups.

d. Future implementation of the new physician training and experience criteria. Considerations for an acceptable implementation date will include a discussion of the appropriate mechanism (e.g., Federal Register Notice) and related time requirements for gathering public comments as well as the time needed by various training facilities to modify their physician-training programs to accommodate the new criteria.

2. *Alternative Methods for Medical Licensing.* The Committee will discuss alternative methods for issuing byproduct material licenses for medical uses. Consideration of alternatives will focus on reducing the administrative burden to both licensees and the NRC licensing staff.

3. *Status Report on Issues of Interest.* The NRC staff will provide a report on the current status of various issues of interest (i.e., Taplin Petition (44 FR 26817) and Misadministration Rule).

Practical considerations may dictate alteration in the above agenda.

Mr. Richard Cunningham, Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, will serve as Chairperson of the Advisory Committee meeting. Mr. Cunningham is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

The following requirements shall apply to public participation in the agenda items listed above.

1. Person wishing to submit written statements on agenda items may do so by providing a readily reproducible copy

at the beginning of the meeting. Persons wishing to mail written comments may do so by sending at least one readily reproducible copy (preferably 25 copies) to Mr. Cunningham in care of NRC, Washington, D.C. 20555. Comments postmarked no later than August 19, 1981, should be received in time for consideration at the meeting. The minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

2. Persons desiring to make oral statements should make a request to do so prior to the beginning of the meeting and should identify the agenda items they wish to discuss. To the extent that the time available for the meeting permits, the Committee will receive oral statements. The Chairperson shall rule on requests to make oral statements and shall apportion the available time to make oral statements.

3. Questions may be asked only by Committee members, consultants, and staff.

4. Seating for the public will be on a first come—first served basis.

5. Rulings on requests to make oral statements and the time allotted may be obtained by prepaid telephone call to Mr. Cunningham at (301) 427-4485 between 9:00 a.m. and 5:00 p.m. EDT on August 27 or 28, 1981.

6. Other information regarding the meeting may be obtained by prepaid telephone call to Mrs. Patricia Vacca at (301) 427-4232 between 9:00 a.m. and 5:00 p.m. EDT.

7. A copy of the minutes of the meeting will be available for inspection at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 on or before October 10, 1981. Copies of the minutes may be obtained upon payment of required charges.

The meeting is held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a), Federal Advisory Committee Act (Pub. L. 92-45), Executive Order 11769, and the Commission's regulations in Title 10 Code of Federal Regulations, Part 7.

Dated at Washington, D.C., this 17th day of June, 1981.

John C. Hoyle,  
Advisory Committee Management Officer.

(FR Doc. 81-18401 filed 6-19-81; 8:45 am)

BILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards Subcommittee on Emergency Core Cooling Systems; Meeting Rescheduled

The June 23 and 24, 1981 meeting of the ACRS Subcommittee on Emergency



Core Cooling Systems scheduled to be held in Idaho Falls, ID has been rescheduled to be held at 8:30 a.m. on July 7, 1981 in Room 148, 1717 H St., NW, Washington, DC 20555.

Notice of this meeting was published in the *Federal Register* on June 8, 1981 (46 FR 30434) and all items remain the same except for the change of time, date, and location indicated above.

Date June 19, 1981.

John C. Hoyle,

Advisory Committee Management Office.

[FR Doc. 81-18603 Filed 6-19-81; 12:32 p.m.]

BILLING CODE 7590-01-M

## OFFICE OF MANAGEMENT AND BUDGET

### Agency Forms Under Review

#### Background

June 17, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

#### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of

Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

#### DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

#### Revisions

- Animal and Plant Health Inspection Service
- Federal Plant Pest and Noxious Weeds Regulations
- PPQ 525 and 526
- On occasion
- Individuals or households/State or local governments/businesses or other ins
- Univer., testing labs, collectors, businesses & state gov.
- SIC: 739, 581, 495, 822
- Small businesses or organizations
- Agricultural Research and Services: 4,300 responses; 608 hours; \$51,597
- Federal cost; 2 forms; not applicable under 3504(h)
- Charles A. Ellett, 202-395-7340

Regulations implementing the Federal Plant Pest Act, the Plant Quarantine Act, and the Federal Noxious Weed Act. Information furnished on application is used to determine if a permit can be issued to allow movement of plant pests, soil, or noxious weeds.

#### Extensions (Burden Change)

- Animal and Plant Health Inspection Service
- Application and Agreement for Handling Restricted Imports or Animal Byproducts and Controlled Materials
- VS 16-26 & VS 16-25
- On occasion
- Businesses or other institutions
- Film collection of products or materials
- Small businesses or organizations
- Agricultural research and services: 500 responses; 250 hours; \$37,070 Federal cost; 2 forms; not applicable under 3504(h)
- Charles A. Ellett, 202-395-7340

Application and agreement for those establishments requesting approval to handle import animal byproducts and controlled material.

#### DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

#### Extensions (burden change)

- National Oceanic and Atmospheric Administration
- Volunteer Severe Weather Observer
- 86-512
- On occasion
- Individuals or households



**Rural residents**

Other natural resources: 400 responses;  
53 hours; \$1,050 Federal cost; 1 form;  
not applicable under 3504(h)  
William T. Adams, 202-395-4814.

Purpose of forms is to supplement national severe storms laboratory's sensors (radars, surface stations, instrumented aircraft, etc.) with visual observations of residents in prime data collection regions. Data are used in basic and applied research on severe storms (mainly tornadoes and hail).

**DEPARTMENT OF EDUCATION**

Agency Clearance Officer—Wallace McPherson—202-426-5030

**New**

- Office of Postsecondary Education National Direct (Defense) Student Loan Assignment Form  
ED 553  
On occasion  
Businesses or other institutions  
Postsecondary education corres. and vocational schools  
SIC: 822, 824  
Higher education: 247,500 responses; 111,375 hours; \$300,000 Federal cost; 1 form; not applicable under 3504(h)  
Federal Education Data Acquisition Council, 202-426-5030

This form was designed to provide the maximum efficiency for full reporting of debtor information for both the institution and the Federal Government. The report will contain a complete statement of the facts and computations which are pertinent under laws and regulations on the basis of which the debt was administratively determined.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Agency Clearance Officer—Joseph Strnad—202-245-7488

**New**

- Health Resources Administration Study of the Utilization and Effect of Temporary Nursing Services (TNSS)  
Nonrecurring  
Individuals or households/businesses or other institutions  
Potential (TNSS) active TNSS employs TNSS TNS clients  
SIC: 801, 805, 806, 804  
Health: 8,198 responses; 2,383 hours; \$244,329 Federal cost; 4 forms; not applicable under 3504(h)  
Gwendolyn Pla, 202-395-6880

This study will comprise a survey on a national scale of temporary nursing services, of nurses employed by the temporary nursing services, and of health care agencies which utilize temporary nurse staffing. The survey

results will be used in policy making and planning with respect to nurse resources and the delivery of care.

**Extensions (No Change)**

- Centers for Disease Control Nutrition Surveillance Validation Survey  
Nonrecurring  
Individuals or households  
Parents of children in nutrition catchment areas  
Health: 1,500 responses; 750 hours; \$160,200 Federal cost; 2 forms; not applicable under 3504(h)  
Gwendolyn Pla, 202-395-6880

This survey will examine the sensitivity and specificity of the ongoing CDC coordinated nutritional surveillance system.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

**Extensions (Burden Change)**

- Housing Programs Development Program of Indian Housing Authority & Indian Low Income Housing Program Development Cost Budget  
HUD-53045/53045A  
On Occasion  
State or Local Governments  
Ind. Hous. Auth. wanting to build under Ind. housing prgm.  
SIC: 953  
Public Assistance and Other Income Supplements: 270 responses; 3,240 hours; \$129,600 Federal cost; 2 forms; not applicable under 3504(h)  
Richard Sheppard, 202-395-6880

The information contained in the development program and its insert, the development cost budget, are required prior to the approval of the formal legal commitment by HUD to assist in the development and management of an Indian housing project. Also see supporting Statement.

- Housing Programs Requisition for Disbursement of Section 202 Loan Funds  
HUD-92403-EH  
On occasion  
Business or other institutions  
Nonprofit borrower corporations  
SIC: 836  
Small businesses or organizations  
Mortgage credit and thrift insurance: 4,800 responses; 2,400 hours; \$268,800 Federal cost; 1 form; not applicable under 3504(h)  
Richard Sheppard, 202-395-6880

Subject form is used by the borrower entity to obtain disbursements on its

HUD funded building loan under the Section 202 elderly housing program. Its use during the construction period enables the borrower to obtain funds so that he may settle his obligations or be reimbursed in a timely manner.

- Housing Programs Application by Indian Housing Authority for Indian Low-Income Housing Program

HUD-52730

On occasion  
State or local governments  
In. hous. auth. wanting to build under the in. housing prgm.  
SIC: 953

Public assistance and other income supplements: 160 responses; 1,280 hours; \$15,360 Federal cost; 1 form; not applicable under 3504(h)  
Richard Sheppard, 202-395-6880

Form required by 24 CFR 805.206 in order that an IHA may obtain housing assistance under US Housing Act of 1937, as amended PL 75-412, 42 USC 1437 et seq. Information contained in form provides HUD with initial statutory and programmatic requirements.

**DEPARTMENT OF LABOR**

Agency Clearance Officer—Paul E. Larson—202-523-6331

**New**

- Bureau of Labor Statistics Validation  
BLS 790-V  
Annually  
State or local governments  
State employment security agencies  
SIC: 944  
Small businesses or organizations  
Other labor services: 51 responses; 4,896 hours; \$380,000 Federal cost; 1 form; not applicable under 3504(h)  
Off. of Federal Statistical Policy & Standard, 202-673-7974

The validation package is the principal source of information concerning the quality and States' adherence to BLS prescribed performance in all aspects of the CES program. It is a dynamic vehicle to measure program performance in State.

**DEPARTMENT OF TRANSPORTATION**

Agency Clearance Officer—John Windsor—202-426-1887

**New**

- Research and Special Programs Administration Shipper or Carrier Registration Statement  
Biennially  
Business, or other institutions



Shippers and carriers of cryogenic materials

SIC: 281, 401, 421, 442, 444, 443

Small businesses or organizations

Other transportation: 75 responses; 75 hours; \$1,875 Federal cost; 1 form; not applicable under 3504(h)

Terry Grindstaff, 202-395-7340

To ascertain who is shipping cryogenic liquids, location of facilities warranting periodic inspections, the number and types of portable tanks, cargo tanks and tank cars used to transport cryogenic materials. (49 CFR 173.5(A), 177.825)

• Research and Special Programs Administration

Cargo Tank Pressure and Temperature Record

Other—see SF83

Businesses or other institutions

Drivers of cargo tanks

SIC: 421

Small businesses or organizations

Other transportation: 260 responses; 260 hours; 1 form; not applicable under 3504(h)

Terry Grindstaff, 202-395-7340

To ascertain that cargo tanks are not overfilled and that there is no malfunction during the trip which would allow the product to heat up and expand which could cause tank to explode, and to assure shipper and operator of motor carrier that the tank is safe to refill.

#### *Extensions (No Change)*

• National Highway Traffic Safety Administration

Fatal Accident Reporting System (FARS)

HS-214, 214A, & 214B

On occasion

State or local governments

State employees utilizing existing state records

Ground transportation: 45,000 responses; 96,750 hours; \$3,000,000 Federal cost; 3 forms; not applicable under 3504(h)

Corrinne Hayward, 202-395-7340

The fatal accident reporting system (FARS) is a census all fatal motor vehicle accidents in the U.S. Data is extracted from existing State records and automated for the agency's use in highway and motor vehicle safety problem identification, trend analysis, and program evaluation.

#### **DEPARTMENT OF THE TREASURY**

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

• Internal Revenue Service

Statement To Correct Information

Previously Reported Under the

Federal Insurance Contributions Act 941C 941C PR

On occasion

Individuals or households/farms/businesses or other institutions

All employers needed to correct FICA data prev. submitted.

SIC:

All Small businesses, or organizations

Central fiscal operations: 1,064,500

responses; 526,330 hours; \$1,767,368

Federal cost; 2 forms; not applicable under 3504(H)

Kevin Broderick, 202-395-6880

This form is used by employers to correct previously reported FICA information on employees. It may be used to support a credit or adjustment claimed on a current return for an error in a prior return period. The information is used to reconcile wages and taxes previously reported or used to support any claim for refund, credit, or adjustment of FICA taxes.

#### *Extensions (No Change)*

• Comptroller of the Currency

Special Report of Trust Department Activities

N/A

Annually

Businesses or other institutions

National Bank Trust Dept. over \$10 MM in assets.

Small businesses or organizations

Other advancement and regulation of commerce: 800 responses; 3,200 hours;

\$10,976 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202-395-6880

Report on basic statistical data pertaining to fiduciary activities; used as basic input for NBSS Trust activities report prepared by OCC.

#### **ENVIRONMENTAL PROTECTION AGENCY**

Agency Clearance Officer—Mr. Phillip Ross—202-287-0747

New

• Pilot Household Survey of Ozone

Perception Data in Washington, D.C.

Other—See SF83

Individuals or households

Members of household in Washington, D.C. MSA

Pollution control and abatement: 420 responses; 210 hours; \$68,000 Federal cost; 1 form; not applicable under

3504(h)

Edward H. Clarke, 202-395-7340

This is a study of public perceptions of air quality and mental and physical health. It is proposed to correlate these data with objective measures of ozone level. It is felt this information will make the air quality standard process more responsive to public need and will.

#### **FEDERAL COMMUNICATIONS COMMISSION**

Agency Clearance Officer—Richard D. Goodfriend—202-632-7513

#### *Revisions*

• Verification of Radio Operator

License or Permit 759

Other—See SF83

Individuals or households

Persons having radio operator license

Other advancement and regulation of

commerce: 14,200 responses; 1,420

hours; \$550 Federal cost; 1 form; not applicable under 3504(h)

William T. Adams, 202-395-4814

This form is used to verify an operator's possession of a license for persons employed at more than one station. The original license is posted in one location, and this form is posted at each other site and States the location of the original license.

#### *Extensions (Burden Change)*

• Application for a new non Commercial Educational Broadcast Station License

341

On occasion

Businesses or other institutions

Licenses and permittees of

Noncommercial Broadcast Station

SIC: 483

Small businesses or organizations

Other advancement and regulation of commerce: 148 responses; 3,700 hours;

\$11,867 Federal cost; 1 form; not applicable under 3504(h)

William T. Adams, 202-395-4814

Filing is required when applying for a license for a new noncommercial broadcast station, for authority to use a formerly licensed main antenna system as an auxiliary antenna, and when a major modification is made to the application. Data is extracted for inclusion on subsequent license.

#### *Extensions (No Change)*

• Cable Television Annual Financial Report

326

Annually

Businesses or other institutions

Cable television registrants

SIC: 489

Small businesses or organizations

Other advancement and regulation of

commerce: 6,000 responses; 6,000

hours; \$35,000 Federal cost; 1 form; not applicable under 3504(h)

William T. Adams, 202-395-4814

These data are necessary to enable the commission to keep abreast of cable television developments, fulfill its regulatory responsibilities and to assist



Congress in its consideration of legislative proposals, cases. In the aggregate, financial information is necessary to monitor the effect of commission rules on the industry.

#### FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—389-4251

#### Extensions (No Change)

- Annual Report of Trust Assets FFIEC 001 Annually
- Businesses or other institutions
- Trust depts. of commercial banks, savings banks
- SIC: 602
- Small Businesses or organizations
- Mortgage credit and thrift insurance: 2,548 responses; 8,576 hours; 1 form; not applicable under 3504(h)
- Kevin Broderick, 202-395-6880

Report is the only source of information regarding market values of assets held in bank trust departments available in the country. Report is available to the public, the three banking agencies, various banking groups, individual banks, and other government organizations make use of the information provided by the report.

- Application for Consent to Exercise Trust Powers
- 6200 096200 09A
- Nonrecurring on occasion
- Businesses or other institutions
- Banks that wish to exercise trust powers
- SIC: 602
- Small businesses or organizations
- Mortgage credit and thrift insurance: 67 responses; 1,052 hours; \$17,100 Federal cost; 2 forms; not applicable under 3504(h)
- Kevin Broderick, 202-395-6880

Part 333.2 of the FDIC rules and regulations states that all banks that wish to exercise trust powers must receive permission from the FDIC.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202-254-9515

#### New

- Survey Instrument—Testing Alerting and Notification Systems
- Annually
- Individuals or households/farms
- Resl. with elec. meters serv. by util. in 10 mile cir., etc.
- SIC: Multiple
- Defense-related activities: 160,000 responses; 40,000 hours; \$300,000 Federal cost; 1 form; not applicable under 3504(h)
- Robert Veeder, 202-395-4814

FEMA and the Nuclear Regulatory Commission have issued joint criteria which requires use of a population survey instrument for the approval of alerting and notification systems around commercial nuclear power stations. Approval will be based on public responses to actual field test.

#### FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202-377-6025

#### Revisions

- Savings and Loan Holding Company Applications H(B)10, H(B)11, H(B)12, H(E)1, H(E)2, H(E)3, H(E)4, H(F)
- On occasion
- Businesses or other institutions appl. & owners of federally-insured savings & loan assoc.
- SIC: All
- Mortgage credit and thrift insurance: 100 responses; 13,208 hours; \$100,000 Federal cost; 7 forms; not applicable under 3504(h)
- Kevin Broderick, 202-395-6880

Determination as to adherence to statutes, rules and regulations governing savings in loan holding companies and whether or not any activity or transaction would be imperious to the operation of any subsidiary insured institution in the light of its financial condition and prospects. (12 U.S.C. 1730A & 12 CFR 584.2-1, 584.10)

#### GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202-566-1164

#### Revisions

- Contract Delivery Status Record GSA 1678
- Monthly
- Businesses or other institutions
- Government contractors (GSA stock program)
- Small businesses or organizations
- General property and records management: 33,600 responses; 16,800 hours; \$30,000 Federal cost; 1 form; not applicable under 3504(h)
- Franklin S. Reeder, 202-395-3785

GSA form 1678 provides the administrative contracting officer with information essential to the monitoring of the contractor's performance, and the taking of appropriate action in the event the contractor is in delinquent situation. The ultimate purpose is to ensure the availability of supplies under the GSA stock program.

#### Extensions (Burden Change)

- Bidders Mailing List Application Code Sheet
- GSA 3038

#### On occasion

- Businesses or other institutions
- Firms wishing to receive copies of solicitations
- Small businesses or organizations
- General property and records management: 5,000 responses; 5,000 hours; \$170,750 Federal cost; 1 form; not applicable under 3504(h)
- Franklin S. Reeder, 202-395-3785

The GSA form 3038 is completed by contractors wishing to bid on Government contracts for commodities/services and is used to ensure that adequate competition is available for all procurements.

#### SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

#### New

- 45 Day Exemption From Registration for Certain Members of National Securities Exchanges, 17 CFR 240.15A-4
- On occasion
- Businesses or other institutions
- Natural person members of national sec. exchanges
- SIC: 621
- Small businesses or organizations
- Other advancement and regulation of commerce: 20 responses; 160 hours; \$4,000 Federal cost; 1 form; not applicable under 3504(h)
- Robert Veeder, 202-395-4814

Rule 15A-4, adopted on April 23, 1976, permits a natural person member of a securities exchange who terminates his association with a registered broker-dealer who succeeds to the business of an existing registered broker-dealer to continue to do business on the exchange while the Commission reviews his application for registration as a broker-dealer if the exchange files a statement indicating that there does not appear to be any grounds for disapproving the application.

- Registration of Successor to Registered Broker or Dealer
- 17 CFR 240.15B1-3
- Nonrecurring
- Businesses or other institutions
- Securities brokers and dealers
- SIC: 621
- Small businesses or organizations
- Other advancement and regulation of commerce: 100 responses; 500 hours; \$20,000 Federal cost; 1 form; not applicable under 3504(h)
- Robert Veeder, 202-395-4814

Rule 15B1-3, originally adopted October 7, 1936, permits an unregistered broker-dealer to continue the business



of its predecessor for 75 days if an application for registration is filed within 30 days of the date of succession. Without the rule, the successor could not continue the business of its predecessor until the successor's registration has been approved by the Commission.

- Application for Registration as a Broker or Dealer (17 CFR 240.15B1-1) Form BD (17 CFR 249.501)

1490

Nonrecurring

Businesses or other institutions

Securities brokers and dealers

SIC: 621

Small businesses or organizations

Other advancement and regulation of commerce: 1,075 responses; 5,375 hours; \$215,000 Federal cost; 1 form; not applicable under 3504(h)

Robert Veeder, 202-395-4814

Rule 15B1-1, originally adopted on June 6, 1936, provides that an application for registration with the Commission as a broker or dealer must be filed on form BD. The information required to be disclosed on form BD, originally adopted on June 6, 1936, is necessary for the Commission to determine whether registration as a broker or dealer should be granted and to furnish information to public investors.

- Amendments to BD applications (17 CFR 240.15B3-1)

On occasion

Businesses or other institutions

Securities brokers and dealers

SIC: 621

Small businesses or organizations

Other advancement and regulation of commerce: 7,000 responses; 3,500 hours; \$37,352 Federal cost; 1 form; not applicable under 3504(h)

Robert Veeder, 202-395-4814

Rule 15B3-1, first adopted in 1936, is needed in order to maintain the accuracy of broker-dealer registration applications that are filed with the Commission on form BD. Form BD provides general information about the broker-dealer that is useful to the Commission and public investors.

- Adoption of Broker-Dealer Application Filed by Predecessor (17 CFR 240.15B2-1)

Nonrecurring

Businesses or other institutions

Securities brokers and dealers

SIC: 621

Small businesses or organizations

Other advancement and regulation of commerce: 100 responses; 50 hours; \$964 Federal cost; 1 form; not applicable under 3504(h)

Robert Veeder, 202-395-4814

Rule 15B1-2, adopted on July 15, 1936, permits an application for registration as a broker-dealer to be filed on behalf of a corporation or partnership (the "successor") by a predecessor and permits the successor to adopt that application as its own, thereby facilitating registration and reducing the paperwork associated with registering certain brokerage firms.

- Consent to service of Process by Non-Resident Brokers or Dealers

507, 508, 509, 510, 876, 877, 878, 879

Nonrecurring

Businesses or other institutions

Non-resident brokers and dealers

SIC: 621

Small businesses or organizations

Other advancement and regulation of commerce: 2 responses; 1 hour; \$20 Federal cost; 1 form; not applicable under 3504(h)

Robert Veeder, 202-395-4814

Rule 15B1-5, originally adopted on May 2, 1953, requires non-resident broker-dealers to submit forms stating that they consent to service of process with respect to causes of action arising under the Federal securities laws. This consent to service of process is necessary to ensure that the Commission, the investing public, and members of the securities industry are able to obtain service of process for non-resident broker-dealers.

- Registration of Fiduciaries as Broker-Dealers, 17 CFR 240.15B1-4

Nonrecurring

Businesses or other institutions

Securities brokers and dealers and court appointed fiduciary

SIC: 621

Small businesses or organizations

Other advancement and regulation of commerce: 5 responses; 25 hours; \$1,000 Federal cost; 1 form; not applicable under 3504(h)

Robert Veeder, 202-395-4814

Rule 15B1-4, originally adopted on October 7, 1937, permits a court appointed or qualified fiduciary who succeeds to the business of a registered broker-dealer to assume immediate responsibility for the operation of the broker-dealer's business if the fiduciary files a statement with the Commission within 30 days of the date he assumes his duties. Without the rule, the fiduciary could not assume responsibility for the broker-dealer until he registered with the Commission

- Application for Registration and Exemption of Exchanges—Rule 6A-1 and Forms 1 and 1A

1361 486

Nonrecurring

Businesses or other institutions  
Organizations applying for registration as a Nat'l Sec Ex.

SIC: 623

Small businesses or organizations

Other Advancement and regulation of commerce: 1 response; 150 hours;

\$5,400 Federal cost; 2 forms; not

applicable under 3504(h)

Robert Veeder, 202-395-4814

Under sections 6 and 19 of the Securities Exchange Act of 1934 (the "Act"), the commission must make certain specified findings before it can grant an application for registration or for exemption from registration as a national securities exchange. Rule 6A-1 and Forms 1 and 1A, adopted in 1950, are designed to provide the Commission with information which is necessary to enable it to make the required findings.

- Withdrawal From Broker-Dealer Registration

249,501A,122

Nonrecurring

Businesses or other institutions

Securities brokers and dealers

SIC: 621

Small businesses or organizations

Other advancement and regulation of

commerce: 550 responses; 225 hours;

\$5,262 Federal cost; 1 form; not

applicable under 3504(h)

Robert Veeder, 202-395-4814

Rule 15B6-(A), first adopted on April 1, 1966, provides that a notice of withdrawal from registration as a broker-dealer is to be filed on form BDW. Form BDW, first adopted on April 1, 1966, is needed by the commission to determine whether it is in the public interest to permit a broker-dealer to withdraw his registration and to provide certain information to the public.

- Form U-4, the Uniform Application for Securities Industry Registration

1525

On occasion

Businesses or other institutions

Broker-dealers not members of a registered national

SIC: 621

Small businesses or organizations

Other advancement and regulation of

commerce: 1,500 responses; 750 hours;

\$7,737 Federal cost; 1 form; not

applicable under 3504(h)

Robert Veeder, 202-395-4814

Form U-4 is the uniform personnel form which registered brokers and dealers file on behalf of associated persons. Form U-4 was adopted as a means of obtaining information regarding the integrity and education of associated persons. This information is necessary in order to uphold a high



standard in the industry and protect the public.

- Rule 15B1-2 Under Securities Exchange Act of 1934. Statement of Financial Condition for Application for Registration As a Broker or Dealer

15B1-2

Nonrecurring

Businesses or other institutions

Indv. & bus. applying to become regis. broker-dealers

SIC: 621

Small Businesses or organizations

Other advancement and regulation of commerce; 1,200 responses; 3,600 hours; \$16,432 Federal cost; 1 form; not applicable under 3504(h)

Robert Veeder, 202-395-4814

The financial condition statement is used to determine whether the Registrant has made adequate arrangements with respect to personnel, facilities and financing. The need for this information arose after successive financial failures of broker-dealers who were poorly prepared to enter the business. Rule 15B1-2 was adopted on September 1, 1953.

#### UNITED STATES METRIC BOARD

Agency Clearance Officer—Eugene P. Visco—703-235-2583

#### New

Legal Impediments to Metrication

Nonrecurring

Businesses or other Institutions

Representatives of fortune 1000 companies

SIC: Multiple

Other advancement and regulation of commerce; 153 responses; 77 hours; \$8,900 Federal cost; 1 form; not applicable under 3504(h)

William T. Adams, 202-395-4814

Data needed to assist the United States Metric Board to determine whether legal barriers to metrication exist and to understand the extent to which conversion problems are and are not statutory.

#### VETERANS ADMINISTRATION

Agency Clearance Officer—R.C. Whitt—202-389-2146

#### New

Joint HUD/VA Nondiscrimination Certification

26-8138

On occasion

Businesses or other institutions

Sales and management brokers

SIC: 653

Small businesses or organizations

Veterans housing; 2,520 responses; 210 hours; \$2,646 Federal cost; 1 form; not applicable under 3504(h)

Robert Neal, 202-395-6880

Certification required of all management and sales brokers, as a requirement for participation in the management or sale of VA-owned properties. Requirement Implemented as part of a joint VA-HUD affirmative housing marketing program for acquired properties developed in responses to affirmative action required by section 808(D) of P.L. 90-284.

#### Revisions

- Application for Veterans Group Life Insurance (Veterans Separated 120 Days or Less)

29-8714 & 29-8714-1

On occasion

Individuals or households

Veterans separated 120 days or less

Income security for veterans; 75,000

responses; 15,000 hours; \$73,308

Federal cost; 2 forms; not applicable under 3504(h)

Robert Neal, 202-395-6880

These forms are used by veterans to apply for veterans group life insurance. The information requested is required by law, 38 U.S.C. 777, and is used to determine eligibility for insurance coverage.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81-18420 Filed 6-19-81; 8:45 am]

BILLING CODE 3110-01-M

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### Presidential Disapproval of Determination of the U.S. International Trade Commission in Investigation No. 337-TA-82, Certain Multi-ply Headboxes

On June 8, 1981, the President notified the Chairman of the United States International Trade Commission of his disapproval of the Commission determination in Investigation No. 337-TA-82, Certain Multi-ply Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof. Following is the text of the President's determination.

Donald deKieffer,  
General Counsel.

Disapproval of the Determination of the United States International Trade Commission in the Matter of Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof, Investigation No. 337-TA-82.

The United States International Trade Commission (USITC), following a

finding of a violation of Section 337 of the Tariff Act of 1930, as amended, has ordered excluded from entry into the United States imports of multi-ply headboxes and papermaking machine forming sections which infringe certain claims of U.S. Letters Patent Nos. RE 28,269 and 3,923,593.

The President is authorized by Section 337(g) to disapprove the USITC determination for policy reasons. I have notified the USITC today of my decision to disapprove the determination of the USITC in this case.

The USITC found that multi-ply headboxes of a single foreign papermaking machine manufacturer infringed a valid United States patent. No allegation or determination was made that any other manufacturer was manufacturing, selling or planning to manufacture and sell patent infringing multi-ply headboxes in the United States. The exclusion order as issued, however, applies prospectively to the products of all foreign manufacturers of multi-ply headboxes.

Future purchases of multi-ply headboxes by the U.S. paper making industry from foreign manufacturers who were never involved in this case will be dependent upon those manufacturers establishing that their products do not infringe the patents which were in question. If an order were already placed, the requirement for proving non-infringement before entry might cause delays in Custom's clearance and delivery. The potential for unnecessary disruption of the domestic production of paper might inhibit the paper making industry's choice in acquisition of machinery.

The papermaking machinery industry is relatively transparent and the manufacturers and importers are few. Technological and economic barriers to entry in the industry are substantial, making sudden new entrants to the market unlikely. The time period between the placement of an order and importation of the machinery exceeds twelve months. Only three or four multi-ply headboxes are sold each year in the United States. The need for a broad exclusion order, therefore, is unnecessary to protect the patent assignee from a high volume of imports from constantly shifting manufacturers and importers.

My decision does not mean that the patent holder in this case is not entitled to a remedy. However, I do not have the authority to revise the USITC's remedy. An exclusion order directed only to the respondent's products, or a narrowly drafted cease and desist order would appear to be entirely justified and



appropriate. I therefore, strongly urge the Commission to take such action expeditiously on its own motion.

[FR Doc. 81-18330 Filed 6-19-81; 8:45 am]

BILLING CODE 3190-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 22089; 70-6599]

### Southern Co.; Proposed Creation of Consulting Subsidiary to Render services to Non-affiliates

The Southern Company, Perimeter Center East, P.O. Box 720071; Atlanta, Georgia 30346, a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to Sections 9(a), 10, 12(b) and other applicable sections of the Public Utility Holding company Act of 1935 ("Act") and rules promulgated thereunder, including rules 45 and 87.

Southern proposes to form a new, wholly-owned subsidiary ("New Subsidiary") and to acquire its stock or make capital contributions of up to \$1,000,000 for initial operations. New Subsidiary will sell management, technical and training services to non-affiliates. Prospective clients would include, unaffiliated domestic or foreign governmental agencies, public utilities, industrial concerns, or entities owning, operating or performing services for any of them. New Subsidiary will offer its services in the open market which is competitive.

Initially, New Subsidiary will rely on Southern System's management. Eventually, as significant business is developed, it intends to employ its own permanent management, marketing and administrative staff. It will employ Southern Company Services, Inc. ("Services") to perform all necessary financial, accounting and internal auditing. It will reimburse Services and any other associate company for the full costs of any services supplied or personnel used in its business, using a work order system as prescribed in the Uniform System of Accounts for Mutual and Subsidiary Service Companies. Southern believes that the accumulated skills and experience of the Southern System in planning, managing and operating all aspects of its utility business would be of great value to non-affiliate clients. It also states that such business will spread the fixed costs of Services and of the operating utility companies over a broader base and permit the retention of skilled personnel during off-peak construction periods. All profits or losses will accrue to New

Subsidiary and, indirectly, to Southern, and no obligations or unreimbursed costs are to be incurred by any other associate company.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 10, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-18377 Filed 6-19-81; 8:45 am]

BILLING CODE 8010-01-M

## PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

### Public Meeting

Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committees Act, that the eleventh meeting of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research will be held at Airlie House Conference Center, Airlie, Virginia from 9:00 a.m. to 9:00 p.m. on Thursday, July 9, 1981 and from 9:00 a.m. to 4:00 p.m. on Friday, July 10, 1981.

The meeting will be open to the public, subject to limitations of available space. The agenda for Thursday, July 9 will include, among other things: (1) action on a draft report on the "definition" of death including the recommendation of a uniform statute, (2) discussion of a draft report on the ethical and social implications of "genetic engineering," and (3) discussion of Commission studies of access to, and distribution of, medical care. The agenda for Friday, July 10, will include, among other things, discussion of

Commission studies of patient-provider communication and of decisions to forego life-sustaining therapy.

During each afternoon, fifteen minutes will be devoted to comments from the floor on the subject of any of the agenda items, limited to three minutes per comment. Written suggestions and comments will be accepted for the record from those who are unable to speak because of the constraints of time and from those unable to attend the meeting.

Records shall be kept on all Commission proceedings and will be available for public inspection at the Commission's office, located in Suite 555, 2000 K Street, N.W., Washington, D.C. 20006.

For further information, contact Andrew Burness, Public Information Officer, at (202) 653-8051.

Alexander M. Capron,

Deputy Director.

[FR Doc. 81-18375 Filed 6-19-81; 8:45 am]

BILLING CODE 6820-AV-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Beech Aircraft Corp. Models B200, B200C, B200T and B200CT; Aircraft Certification and Availability of Documents

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Availability of Documentation.

**SUMMARY:** Based on a review of the certification process that was accomplished under Subpart J of FAR 21—Delegation Option Authorization Procedures, the Director of the FAA Central Region concurred with amending Type Certificate A24CE to include the above listed models as recommended by the Central Region Aircraft Certification Program office staff. Type Certificate A24CE was amended effective February 13, 1981.

A copy of the Decision Basis for Type Certification of Beech Models B200, B200C, B200T, and B200CT is on file in the FAA Rules Docket. The "Decision Basis" reviews the conduct and significant highlights of the certification program as conducted by the Beech Aircraft Corporation under their Delegation Option Authorization including the participation by FAA personnel. The text of the Decision Basis identifies changes to the type design which the manufacturer substantiated together with FAA Pre-Type Certification Findings of Compliance



that were made in conjunction with the Type Certification Program.

Detailed appendices and attachments in the Decision Basis include:

1. Type Certificate A24CE as revised February 13, 1981.
2. Type Certificate Data Sheet A24CE.
3. Type Inspection Authorization, FAA Form 8110-1.
4. Minutes of Type Certification Board Meetings.
5. Chapter 4 of Handbook 8110.4 Delegation Option Authorization Procedures.

The report is available for examination and copying at the Office of the Director, FAA Central Region, Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Mo., on May 20, 1981.

John E. Shaw,

*Acting Director, Central Region.*

[FR Doc. 81-18333 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

#### **Fifth Human Factors Workshop on Aviation: Biomedical and Behavioral Factors**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a DOT/FAA Human Factors Workshop on aviation.

**DATE:** Registration begins July 7, 1981, at 8:00 a.m.; workshop sessions will be held July 7 from 8:45 a.m. to 5:30 p.m., and continue on July 8 from 8:15 a.m. to 5:00 p.m. A summary session and facility tour will be conducted on July 9 from 8:00 a.m. to 12:30 p.m.

**ADDRESS:** Headquarters Auditorium, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

**FOR FURTHER INFORMATION CONTACT:** Dr. Henry Mertens, Civil Aeromedical Institute, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125, (405) 686-4846.

**SUPPLEMENTARY INFORMATION:** The purpose of the workshop is to permit segments of the aviation community to present and discuss their views concerning human factors issues and priorities in the biomedical and behavioral areas.

This workshop is a continuation of the human factors information exchanges initiated at the Transportation Systems Center in November 1980, the second in Arlington, Virginia, in January 1981, the third at the Transportation Systems Center in March 1981, and the fourth in Atlantic City in May 1981. The first day

of workshop will be devoted to presentations by the FAA and various representatives of the aviation community in a general sessions. The second day will consist of four parallel workshops to address the following topics: biomedical and behavioral factors in pilot operations; the performance of air traffic control specialists, cabin safety and the impact on flight operations; and medical aspects of aircraft accident investigation. Each working group will visit laboratories of the Civil Aeromedical Institute pertinent to the particular group's area. On the third morning, summaries of workshop discussions will be reported in a general session, and visits to laboratories and discussions with individual researchers of the Civil Aeromedical Institute will be arranged for interested participants upon request.

The workshops are expected to provide the agency with guidance on how best to proceed with expanded efforts in human factors. To support this objective, a report on the workshop proceedings and a summary of comments will be prepared for public distribution.

All workshop attendees are encouraged to provide verbal and/or written comments during the workshop sessions. Written comments regarding the workshop discussion topics will be accepted until August 10, 1981. The workshop report will be published within 60 days following the workshop.

The workshop is open to the public and there is a \$10.00 registration fee.

Issued in Washington, D.C., on June 15, 1981.

John R. Harrison,

*Director of Aviation Safety.*

[FR Doc. 81-18332 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

#### **Sixth Human Factors Workshop on Aviation Maintenance and the Interrelationships in Design, Operations, and Training**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a DOT/FAA Human Factors Workshop on aviation.

**DATE:** Registration begins July 7, 1981, at 8:00 a.m.; workshop sessions will be held July 7 from 8:45 a.m. to 5:30 p.m., and continue on July 8 from 8:30 a.m. to 4:30 p.m. A summary session and facility tour will be conducted on July 9 from 8:00 a.m. to 12:30 p.m.

**ADDRESS:** Headquarters Auditorium, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

#### **FOR FURTHER INFORMATION CONTACT:**

Joe Pontecorvo, Chief, Aircraft Maintenance Division, AWS-300, Federal Aviation Administration, Washington, D.C. 20591, (202) 426-3546.

**SUPPLEMENTARY INFORMATION:** The purpose of the workshop is to permit segments of the aviation community to present and discuss their views concerning human factors issues and priorities in maintenance and the interrelationships in design, operations, and training. This workshop is a continuation in a series of information exchanges to discuss significant human factors safety issues.

The workshop will consist of presentations by the FAA and various representatives of the aviation community. On the third morning, visits to the FAA facilities will be arranged for interested participants upon request. Since this is the first workshop on this subject, the FAA is soliciting speakers and panel members from the industry. Persons interested in presenting a paper on the subject should submit their topics to Joe Pontecorvo, Chief, Aircraft Maintenance Division, AWS-300, Federal Aviation Administration, 800 Independence Ave. SW., Washington, D.C. 20591, (202) 426-3546.

The topical areas of interest are: human factors issues in maintenance training; human factors safety issues in the maintenance of equipment in air carrier operations; and human factors safety issues in the maintenance of equipment in general aviation use.

The workshop is expected to provide the agency with guidance on how best to proceed with expanded efforts in human factors. To support this objective, a report on the workshop proceedings and a summary of comments will be prepared for public distribution.

All workshop attendees are encouraged to provide verbal and/or written comments during the workshop sessions. Written comments regarding the workshop discussion topics will be accepted until August 10, 1981. The workshop report will be published within 60 days following the workshop.

The workshop is open to the public and there is a \$10.00 registration fee.

Issued in Washington, D.C., on June 15, 1981.

John R. Harrison,

*Director of Aviation Safety.*

[FR Doc. 81-18331 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M



**Federal Railroad Administration****[Docket No. RSSI-80-1; Notice No. 2]****Special Safety Inquiry; Use of Metal Hooks To Open Coupler Knuckles, Termination of Safety Inquiry****AGENCY:** Federal Railroad Administration, DOT.**ACTION:** Termination of Special Safety Inquiry.

**SUMMARY:** This document terminates the Federal Railroad Administration's (FRA) Special Safety Inquiry (Inquiry) into use of metal hooks by railroad employees during humping operations to ensure that coupler knuckles on freight cars fully open. The Inquiry was commenced to provide FRA with adequate information to determine whether regulatory action was required in this area. The FRA has concluded that the use of metal hooks for this purpose does not create an undue hazard to the employees involved, may reduce the safety hazards to certain other employees, and does not violate any federal safety law or regulation. Therefore, no further action by FRA is warranted at this time.

**DATE:** The Inquiry is terminated June 22, 1981.**FOR FURTHER INFORMATION CONTACT:** Kenneth Gradia, Office of Chief Counsel, FRA, 202-426-8285.**SUPPLEMENTAL INFORMATION:****Background**

On January 15, 1979, the Seaboard Coast Line Railroad Company (SCL) began requiring certain employees at its Rice Yard, Waycross, Georgia, to use metal hooks during humping operations to ensure that coupler knuckles fully opened. On March 12, 1979, the SCL began the practice at its Hamlet, North Carolina yard. On November 18, 1980, the Norfolk and Western Railway Company (N&W) commenced use of the metal hooks at its Bellevue, Ohio yard. The hooks are still being used for this purpose at each of these locations. The purpose of the procedure is to increase the number of automatic couplings in the bowl of the yard, thereby improving yard efficiency and lessening exposure to injury of the employees that are required to make couplings in the bowl.

On December 17, 1979, the United Transportation Union (UTU) formally requested that FRA prohibit use of metal hooks to open coupler knuckles during switching, contending that the practice created a serious risk of injury and death to affected employees and violated 45 U.S.C. § 2, a provision of the Safety Appliance Acts. After several

investigations of the practice at Rice Yard by FRA safety inspectors, a full examination of the matter at which all interested parties could express their views was undertaken. Utilizing its authority under the Federal Railroad Safety Act of 1970, 45 U.S.C. § 421 *et seq.*, FRA commenced the Inquiry to examine the practice. 45 FR 67, 823, October 14, 1980. The stated purpose of the Inquiry was to provide FRA with adequate information to determine whether regulatory action was appropriate.

**Public Hearing**

On October 28, 1980, a public hearing was held in connection with the Inquiry at Waycross, Georgia, for the purpose of receiving public comment on use of the metal hooks. A total of 22 witnesses testified at the hearing, including SCL employees and representatives of the UTU and SCL. Written submissions were also received from several parties. An FRA Board of Inquiry (Board) addressed questions to the witnesses based on the testimony presented and the results of prior FRA investigations. Members of the Board also observed the procedure at Rice Yard.

According to the testimony presented at the hearing, a total of three SCL employees had suffered reportable (under FRA criteria, 49 C.F.R. § 225.19 (d)) injuries while using the hooks at Rice Yard from January 15, 1979, through October 28, 1980. None of the injuries was permanently disabling. There had been no injuries caused by use of the hooks at SCL's Hamlet yard from March 12, 1979, through October 28, 1980, and no fatalities at either location. A SCL witness testified that through September 30, 1980, approximately 2.5 million cars had been humped at Rice and Hamlet Yards while the hooks were being used. During the period subsequent to the hearing, FRA has not become aware of any further reportable injuries at either SCL yard. FRA is not aware of any reportable injuries at N&W's Bellevue yard that have been caused by use of the hooks. There is not a serious accident history associated with the practice. Moreover, each of the three reportable injuries that have occurred resulted from falls suffered by SCL employees when hooks broke while in use. SCL has corrected that problem by use of heavier metal for the hooks, improved fabrication procedures, and a design change that significantly strengthens the hook. More important, the procedure is not inherently unsafe and does not expose the affected employees to any greater risk than would be the case if uncoupling were performed solely by operation of the

uncoupling lever. When using the hook the employee is fully braced, keeps both feet outside the rails, and pulls away from the equipment. Rather than creating a hazard, the procedure may actually improve safety because it materially reduces the number of manual couplings that must be made in the bowl of the yard.

At my direction, the Chief Counsel of FRA has examined this entire matter and has visited Rice Yard to observe the procedure. Based on his observations, examination of the record, and review of applicable case law and legislative history, the Chief Counsel has rendered a legal opinion that use of the hooks does not constitute a violation of 45 U.S.C. § 2 or any other federal safety law or regulation. In addition, the Chief Counsel concluded that no further action in this matter by FRA is warranted, and has recommended to me that the Inquiry be terminated.

For the reasons stated herein, I have concluded that use of metal hooks during humping operations to ensure that coupler knuckles fully open does not create an undue hazard to the employees involved, may contribute to employee safety by substantially reducing the number of manual couplings that must be made in the bowl, and does not violate 45 U.S.C. § 2 or any other federal safety law or regulation. In light of these conclusions, I have decided that no further action by FRA on this matter is warranted and that the Inquiry should be terminated.

(Section 202, 208 of the Federal Railroad Safety Act of 1970 (45 U.S.C. §§ 431, 437); section 1.49(n) of the regulations of the Office of the Secretary of Transportation (49 C.F.R. § 1.49(n)); 49 C.F.R. § 211.61)

Issued in Washington, D.C. on June 16, 1981.

Robert W. Blanchette,  
Federal Railroad Administrator.

**Research and Special Programs Administration****Grants and Denials of Applications for Exemptions****AGENCY:** Materials Transportation Bureau, D.O.T.**ACTION:** Notice of Grants and Denials of Applications 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 of the exemptions granted in May 1981. The modes of



transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as

follows 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

### Renewal and Party to Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3109-X	DOT-E 3109	Raytheon Co., Lowell, MA	49 CFR 173.301(e), 173.302(a)(1), 175.3	To authorize use of non-DOT pressure vessels for shipment of a nonflammable nonliquefied compressed gas. (Modes 1, 2, 3, and 4.)
3109-X	DOT-E 3109	U.S. Department of Defense, Washington, DC	49 CFR 173.301(e), 173.302(a)(1), 175.3	To authorize use of non-DOT pressure vessels for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, and 4.)
3569-X	DOT-E 3569	NL McCullough/NL Industries, Inc., Houston, TX	49 CFR 173.246, 172.101 column 4, 175.3	To authorize use of non-DOT specification cylinder for shipment of a liquid oxidizer. (Modes 1, 2, 4.)
4108-P	DOT-E 4108	Welding and Therapy Service, Inc., Louisville, KY	49 CFR 173.315(a)	To become a party to Exemption 4108 (Mode 1.)
4354-X	DOT-E 4354	PPG Industries, Inc., Pittsburgh, PA	49 CFR 173.119(m), 173.245, 173.268(d), 173.268(e)	To authorize shipment of chloroformates in DOT Specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 2T polyethylene container. (Modes 1, 2, and 3.)
4354-X	DOT-E 4354	Pennwalt Corp., Buffalo, NY	49 CFR 173.119(m), 173.245, 173.268(d), 173.268(e)	To authorize the shipment of chloroformates in DOT Specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 2T polyethylene container. (Modes 1, 2, and 3.)
4453-P	DOT-E 4453	Kentucky Powder Co., Lexington, KY	49 CFR 173.114a(h)(3)	To become a party to Exemption 4453. (Mode 1.)
4884-X	DOT-E 4884	Union Carbide Corp., Tarrytown, NY	49 CFR 173.302(a)(1), 175.3, 178.61	To authorize shipment of gas-calibration mixtures of compressed gases in stainless steel cylinders. (Modes 1, 2, 3, 4, and 5.)
5206-P	DOT-E 5206	Nelson Brothers, Inc., Parrish, AL	49 CFR 173.114a	To become a party to Exemption 5206. (Mode 1.)
5206-X	DOT-E 5206	Monsanto Co., St. Louis, MO	49 CFR 173.114a	To authorize shipment of an oxidizing material in privately operated bulk hopper-type units. (Mode 1.)
5206-X	DOT-E 5206	Austin Powder Co., Cleveland, OH	49 CFR 173.114a	To authorize shipment of an oxidizing material in privately operated bulk hopper-type units. (Mode 1.)
5206-X	DOT-E 5206	Gulf Oil Chemicals Co., Overland Park, KS	49 CFR 173.114a	To authorize shipment of an oxidizing material in privately operated bulk hopper-type units. (Mode 1.)
6113-X	DOT-E 6113	Process Engineering, Inc., Plaistow, NH	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank for certain flammable gases. (Mode 1.)
6686-X	DOT-E 6686	Chilton Metal Products Division, Chilton, WI	49 CFR 173.304, 178.65	To authorize use of a modified DOT-39 steel cylinder for a certain flammable gas. (Modes 1 and 2.)
6958-X	DOT-E 6958	Dow Chemical Co., Findlay, OH	49 CFR 173.252(a)(5)	To authorize the shipment of elemental bromine in a portable tank not presently authorized in the regulations. (Modes 1 and 3.)
7010-X	DOT-E 7010	Great Lakes Chemical Corp., El Dorado, AR	49 CFR 173.252(a)(4)	To authorize the transportation of bromine in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7060-P	DOT-E 7060	Las Vegas Airlines, Inc., Las Vegas, NV	49 CFR 175.702(b), 175.75(a)(3)(ii)	To become a party to Exemption 7060. (Mode 4.)
7249-X	DOT-E 7249	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	49 CFR 173.128(a)	To authorize the use of containers not otherwise permitted by the Hazardous Materials Regulations for certain flammable liquids. (Mode 1.)
7625-X	DOT-E 7625	Van Waters & Rogers, Saint Paul, MN	49 CFR 173.245, 173.249, 173.263, 173.268, 173.272	To authorize the transport of certain corrosives in DOT Specification 56 portable tanks. (Mode 1.)
7735-X	DOT-E 7735	Rheem Manufacturing Co., Linden, NJ	49 CFR 173.119	To manufacture, mark, and sell DOT Specification 34 containers for use in the transportation of certain flammable liquids. (Modes 1, 2, and 3.)
7753-X	DOT-E 7753	Monsanto Co., St. Louis, MO	49 CFR 173.190(b)(2)	To authorize the shipment of yellow phosphorus in a tight-head 55 gallon DOT Specification 17C drum. (Modes 1, 2, and 3.)
7774-X	DOT-E 7774	Pipe Recovery Systems, Inc., Houston, TX	49 CFR 173.246, 175.3	To authorize the shipment of bromine trifluoride in non-DOT specification cylinders. (Modes 1, 2, 4, and 5.)
7777-P	DOT-E 7777	Stablex, Limited, Wellington W. Palm Beach, FL	49 CFR 173.248	To become a party to Exemption 7777. (Modes 1, 2, and 3.)
7862-X	DOT-E 7862	General Electric Co., Milwaukee, WI	49 CFR 173.302, 175.3	To authorize the use of non-DOT specification containers for the transportation of a nonflammable gas. (Modes 1, 4, and 5.)
8129-X	DOT-E 8129	RAD Service, Inc., Laurel, MD	49 CFR Part 173, Subpart E, F & H	To authorize shipment of certain hazardous waste materials packed in bottles or containers surrounded by absorbent material. (Mode 1.)
8158-X	DOT-E 8158	Ford Aerospace & Communications Corp., Palo Alto, CA	49 CFR 173.260(a)(1), 175.3	To authorize the shipment of wet electric storage batteries in DOT Specification 15A or 15B wooden boxes. (Modes 1, 2, and 4.)
8220-X	DOT-E 8220	Applied Environments Corp., Van Nuys, CA	49 CFR 173.320(a), 175.3	To authorize the use of non-DOT specification small, high pressure cylinders of welded construction for aircraft use in the transportation of nonflammable compressed gases. (Modes 1, 2, and 4.)
8221-X	DOT-E 8221	Applied Environments Corp., Van Nuys, CA	49 CFR 173.302(a), 175.3	To authorize the use of non-DOT specification high pressure cylinders of welded construction for military missile systems use only. (Modes 1, 2, and 4.)
8489-X	DOT-E 8489	FMC Corp., Philadelphia, PA	49 CFR 173.154, 173.245b	To authorize the shipment of certain oxidizers and a corrosive material in collapsible polyethylene-lined, woven polypropylene bags having a capacity of approximately 2200 pounds each. (Modes 1 and 3.)
8572-P	DOT-E 8572	H.L. & A.G. Balsinger, Inc., Bridgeville, PA	49 CFR 172.101, 172.406, 172.504, 173.114a	To become a party to Exemption 8572. (Mode 1.)
New Exemptions				
8547-N	DOT-E 8547	NATICO, Inc., Chicago, IL	49 CFR 178.116, Part 173 Subpart D, Subpart E, Subpart F, Subpart H	To manufacture, mark and sell a non-DOT specification 55 gallon steel tight head drum incorporating a molded polyethylene top head, in lieu of a steel top head, for shipment of certain corrosive liquids. (Mode 2.)
8562-N	DOT-E 8562	Garrett Turbine Engine Co., Phoenix, AZ	49 CFR 173.302, 175.3	To manufacture, mark and sell toroidal pressure vessels similar to DOT Specification 39 for shipment of helium. (Modes 1 and 4.)



8563-N	DOT-E 8563	Ashland Chemical Co., Columbus, OH	49 CFR 173.266(e), 177.848(a)	To authorize the shipment of an oxidizer and a corrosive material in compartmented MC-307 or MC-312 cargo tanks with double heads and completely separate loading and unloading systems. (Mode 1.)
8572-N	DOT-E 8572	Wayland Explosives & Supply, Inc., Jacksboro, TN	49 CFR 172.101, 172.406, 172.504, 172.114a	To authorize shipment of a limited number of packages of nitrocar-bonitrile, after December 31, 1980, bearing the oxidizer label. (Mode 1.)
8588-N	DOT-E 8588	Sohio Alaska Petroleum Co., Anchorage, AK	49 CFR 173.119	To authorize a DOT Specification 57 steel or stainless steel portable tank for shipment of flammable and combustible liquids by water. (Mode 3.)
8598-N	DOT-E 8598	Teldyne CAE, Toledo, OH	49 CFR 173.102(a)(2)	To authorize shipment of an explosive power device (turbojet engines) Class C, contained in non-DOT specification polyurethane containers within a fiberboard box. (Mode 1.)
8613-N	DOT-E 8613	Chemical Express Co., Dallas, TX	49 CFR 173.131(a)(2)	To transport road asphalt having a flash point not less than 50 degrees F. in non-DOT specification cargo tanks. (Mode 1.)

## Emergency Exemptions

EE 8308-P	DOT-E8308	United States Priority Transport Corp., Huntington Station, NY	49 CFR 177.842(a), 177.842(b)	To become a party to Exemption 8308, (Mode 1.)
EE 8635-N	DOT-E8635	University of California, Davis, CA	49 CFR 173.28(m), Part 173, Subpart F, H	To authorize a one-time shipment of waste corrosive liquids and poisonous solids or liquids, class B in DOT-17H drums. (Mode 1.)
EE 8646-N	DOT-E8646	Marshall Hyde Inc., Port Huron, MI	49 CFR 172.101, 173.100, 173.86	To authorize the transport of an explosive pest repellent device in limited quantities in non-DOT specification inner fiberboard cartons. (Modes 1, and 2.)
EE 8648-N	DOT-E 8648	Global International Airways, Kansas City, MO	49 CFR 172.101 column 6b, 175.30	To authorize the transport of rocket ammunition with explosive projectiles. (Mode 4.)

## Withdrawals

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7929-P	International Minerals and Chemical Corp., Allentown, PA	49 CFR 173.65	To become a party to Exemption 7929, (Modes 1, and 2.)

## Denials

7633-X	Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.
7671-X	Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.
7830-X	Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.
7897-X	Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.
7938-X	Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.
8171-X	Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.
8251-X	Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.
8374-X	Request by Sea Container Atlantic Ltd., Hamilton, Bermuda to authorize the transport of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.
8462-N	Request by M.A.N. Maschinenfabrik Augsburg-Nürnberg, Hamburg, West Germany to authorize the shipment of flammable, corrosive, and combustible liquids in portable tanks denied May 20, 1981.
8543-N	Request by Waggonvermietung, AG, Brunnen, Switzerland to authorize shipment of ethyl chloride, classed as a flammable liquid in non-DOT specification IMCO Type 5 portable tanks denied May 13, 1981.
8638-N	Request by Scientific Gas Products, Inc., South Plainfield, NJ to authorize shipment of flammable and nonflammable gases and gas mixtures at 120 psig and 70 degrees Fahrenheit in DOT Specification 2P inside nonrefillable metal containers denied May 20, 1981.

Issued in Washington, DC, on June 4, 1981.

J. R. Grothe,

Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-18183 Filed 6-19-81; 8:45 am]

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## Grants and Denials of Applications for Exemptions

**AGENCY:** Materials Transportation Bureau, D.O.T.

**ACTION:** Notice of Grants and Denials of Applications 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 of the exemptions granted in March 1981. The modes of transportation involved are identified by

a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.



## Renewal and Party to Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2000-X	DOT-E 2000	Union Carbide Corp., Tarrytown, NY	49 CFR 172.101, 173.304(a), 173.316(a)(2)	To authorize shipment of flammable liquefied compressed gases in non-DOT specification portable tanks or DOT specification 4L cylinders. (Mode 1.)
3353-X	DOT-E 3353	Kerr-McGee Chemical Corp., Oklahoma City, OK	49 CFR 173.163(a)(7), 173.239(a)(2)	To authorize the shipment of certain oxidizing material in a non-DOT specification steel or aluminum portable tank. (Modes 1, 2.)
3498-X	DOT-E 3498	U.S. Department of Defense, Washington, DC	49 CFR 174, 176, 177, Part 173	To authorize transport on open top vehicles military combat & tactical vehicles loaded w/their combat supply of accessory ammunition up to 6000 lbs. & not to exceed 18% of net weight of vehicle. (Modes 1, 2, and 3.)
4354-X	DOT-E 4354	PPG Industries, Inc., Pittsburgh, PA	49 CFR 173.119(m), 173.245, 173.288(d), 173.288(e)	To authorize the shipment of flammable liquids in DOT Specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 2T polyethylene drum. (Modes 1, 2, and 3.)
4932-X	DOT-E 4932	Federal Laboratories, Inc., Saltsburg, PA	49 CFR 172.101, 173.385(a), 175.3	To authorize shipment of tear gas devices in a telescopic type, cylindrical, wound-draft container fitted with metal ends overpacked in DOT Specification 12B fiberboard box. (Modes 1, 2, and 4.)
5038-X	DOT-E 5038	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.135(a)(6), 173.136(a)(5), 173.247(a)(1)	To authorize the shipment of dimethyldichlorosilane, trichlorosilane, and silicon tetrachloride in non-DOT specification type 304 stainless steel cylinders. (Modes 1, 2.)
5413-X	DOT-E 5413	Publicker Industries, Inc., Philadelphia, PA	49 CFR 172.101, 173.315(a)(1)	To authorize shipment of a flammable gas in non-DOT specification insulated cargo tanks. (Mode 1.)
5526-X	DOT-E 5526	MCB Manufacturing Chemists, Inc., Cincinnati, OH	49 CFR 173.119	To authorize shipment of liquid organic peroxides, liquid oxidizers, flammable, corrosive or poison B liquids in DOT Specification 1D or 1K glass carboys overpacked in expandable polystyrene in wooden wirebound boxes. (Modes 1, 2.)
6016-X	DOT-E 6016	Welding & Cutting Supply Co., Cleveland, OH	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks designed and constructed in accordance with Section VIII of the ASME Code. (Mode 1.)
6205-P	DOT-E 6205	Chicago Bridge and Iron Company, Oak Brook, IL	49 CFR 172.101, 173.315(a)(1)	To become a party to Exemption 6205. (Mode 1.)
6218-P	DOT-E 6218	MG Burdett Gas Products Company, Inc., Norristown, PA	49 CFR 173.315(a)	To become a party to Exemption 6218. (Mode 1.)
6218-X	DOT-E 6218	Liquid Carbonic Corp., Chicago, IL	49 CFR 173.315(a)	To authorize shipment of argon or nitrogen pressurized liquid in insulated non-DOT specification cargo tanks. (Mode 1.)
6296-X	DOT-E 6296	American Cyanamid Co., Wayne, NJ	49 CFR 173.377(g)	To authorize the shipment of certain Class B poisons in DOT Specification 44D multiwall paper bags. (Modes 1, 2.)
6296-X	DOT-E 6296	Platte Chemical Co. Fremont, NV	49 CFR 173.377(g)	To authorize shipment of certain Class B poisons in DOT Specification 44D multiwall paper bags. (Modes 1, 2.)
6296-X	DOT-E 6296	Olin Chemicals Group Stamford, CT	49 CFR 173.377(g)	To authorize shipment of certain Class B poisons in DOT Specification 44D multiwall paper bags. (Modes 1, 2.)
6432-P	DOT-E 6432-P	MG Burdett Gas Products Co., Inc., Norristown, PA	49 CFR 173.315(a)	To become a party to Exemption 6432. (Mode 1.)
6500-X	DOT-E 6500	East Asiatic Co., Inc., Copenhagen, Denmark	49 CFR 173.125	To authorize use of a non-DOT specification stainless steel portable tank for shipment of a flammable liquid. (Modes 1, 3.)
6500-X	DOT-E 6500	Blue Star Line, Ltd., London, England	49 CFR 173.125	To authorize use of a non-DOT specification stainless steel portable tank for shipment of a flammable liquid. (Modes 1, 3.)
6543-X	DOT-E 6543	Airco, Inc., Murray Hill, NJ	49 CFR 173.135(a)(6), 173.136(a)(5), 173.247, 173.304, 175.3	To authorize the shipment of certain corrosive and flammable liquids or gases in 16 gauge, 304 stainless steel cylinders and/or 14 gauge, 316 stainless steel cylinders. (Modes 1, 2, and 4.)
6564-X	DOT-E 6564	Castle & Cooke, Inc., San Francisco, CA	49 CFR 173.119, 173.128	To authorize shipment of certain flammable liquids in non-DOT specification dual compartment portable tanks. (Modes 1, 3.)
6571-P	DOT-E 6571	Chicago Bridge and Iron Co., Oak Brook, IL	49 CFR 172.101, 173.315(a)	To become a party to Exemption 6571. (Mode 1.)
6583-X	DOT-E 6583	Phillips Petroleum Co., Bartlesville, OK	49 CFR 173.249(a)(7)	To authorize shipment of a corrosive material in a DOT Specification 51 portable tank. (Mode 1.)
6762-X	DOT-E 6762	DuBois Chemical Co., Cincinnati, OH	49 CFR 173.286(b)(2), 175.3	To authorize the transport of chemical kits in non-DOT specification plastic inside packaging and non-DOT specification fiberboard outside packaging. (Modes 1, 2, 3, and 4.)
6762-X	DOT-E 6762	Taylor Chemicals, Inc., Baltimore, MD	49 CFR 173.286(b)(2), 175.3	To authorize the transport of chemical kits in non-DOT specification plastic inside packaging and non-DOT specification fiberboard outside packaging. (Modes 1, 2, 3, and 4.)
6793-X	DOT-E 6793	See Containers, Inc., New York, NY	49 CFR 172.101, 173.119, 173.125, 173.154, 173.245, 173.247, 173.346, 173.347, 46 CFR 90.05-35, 46 CFR 96.35-3	To authorize the use of non-DOT specification portable tanks, for shipment of various hazardous materials. (Modes 1, 2, and 3.)
6824-P	DOT-E 6824	Alstar Co., Saugus, CA	49 CFR 173.217(a)	To become a party to Exemption 6824. (Modes 1, 2, and 3.)
6824-P	DOT-E 6824	All Pure Chemical Co., Inc., Tracy, CA	49 CFR 173.217(a)	To become a party to Exemption 6824. (Modes 1, 2, and 3.)
6824-P	DOT-E 6824	Hasa Chemicals, Inc., Saugus, CA	49 CFR 173.217(a)	To become a party to Exemption 6824. (Modes 1, 2, and 3.)
6834-X	DOT-E 6834	FMC Corp., Philadelphia, PA	49 CFR 173.245(a)(4)	To authorize use of DOT Specification 5 drums for shipment of a certain corrosive liquid. (Mode 1.)
6864-X	DOT-E 6864	Contrans, Hamburg, West Germany	49 CFR 173.119(b), 173.125	To authorize the use of a non-DOT specification portable tank for the shipment of certain flammable liquids. (Modes 1, 2, and 3.)
6874-X	DOT-E 6874	ICI Americas, Inc., Wilmington, DE	49 CFR 172.101, 173.370(a)(13)	To authorize the transportation of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 3.)
6874-X	DOT-E 6874	ICI Americas, Inc., Wilmington, DE	49 CFR 172.101, 173.370(a)(13)	To authorize the transportation of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 3.)
6994-X	DOT-E 6994	Apache Container Corp., Chicago, IL	49 CFR 178.33-7	To authorize shipment of certain compressed gases in non-refillable steel containers similar to DOT Specification 2P. (Modes 1, 2.)
7005-P	DOT-E 7005	TanCargo Container Leasing, Geneva, Switzerland	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Bignier Schmid-Laurent, Paris, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)



## Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7005-P	DOT-E 7005	CATU Containers, S.A., Geneva, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 7005. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Tatpak Limited, Aylesbury, England.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Compagnie des Containers Reservoirs, Neuilly-sur-Seine, France.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Societe Anonyme por L'Industrie Chimique, Mulhouse Cedex, France.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Sea Containers Pacific Ltd., Central, Hong Kong.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Eurotainer, Paris, France.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Hoyer S.A.G.L., Chiasso, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Lowaco, S.A., Geneva, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7052-P	DOT-E 7052	Signode Corp., Glenview, IL.	49 CFR 172.101, 175.3.	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Magnavox Government & Industrial Electronics Corp., Fort Wayne, IN.	49 CFR 172.101, 175.3.	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	United Space Boosters, Inc., Huntsville, AL.	49 CFR 172.101, 175.3.	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Spartan Corp., Jackson, MI.	49 CFR 172.101, 175.3.	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7076-X	DOT-E 7076	LaMotte Chemical Products Co., Chestertown, MD.	49 CFR 173.266(b).	To authorize packaging not authorized by the Hazardous Materials Regulations for shipment of a corrosive liquid. (Modes 1, 2, and 3.)
7235-X	DOT-E 7235	Luxfer U.S.A., Ltd., Riverside, CA.	49 CFR 173.302(a)(1), 175.3.	To manufacture, mark and sell non-DOT specification seamless aluminum cylinders for use in the transportation of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
7268-X	DOT-E 7268	Union Carbide Corp., Tarrytown, NY.	49 CFR 173.304(a)(1).	To authorize the use of a DOT Specification 39 nonrefillable cylinder for the shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7423-P	DOT-E 7423	Amax Specialty Metals Corp., Salt Lake City, UT.	49 CFR 173.154, 173.220(b)(2), 176.78(g)(5).	To become a party to Exemption 7423. (Modes 1, 2, and 3.)
7493-X	DOT-E 7493	Hugonnet, S.A., Paris, France.	49 CFR 173.119, 173.128(a), 173.129, 173.131(a)(1), 173.132(a)(1), 173.245(a), 46 CFR 90.05-35.	To authorize use of non-DOT specification insulated portable tanks for the shipment of various hazardous materials. (Modes 1, 2, and 3.)
7505-X	DOT-E 7505	Platte Chemical Co., Greeley, CO.	49 CFR 173.28(m), 173.346(a)(2), 173.358(a)(2), 173.359(b)(2).	To authorize the use of DOT Specification 17C drums previously used for shipment of class B poisons and subsequently reconditioned (decontaminated). (Mode 1.)
7549-X	DOT-E 7549	Stauffer Chemical Co., Westport, CT.	49 CFR 173.245(a).	To authorize use of a non-DOT specification 316L stainless steel portable tank for shipment of a certain corrosive material. (Modes 1, 2, and 3.)
7576-P	DOT-E 7576	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.620(a), 173.630(b).	To become a party to Exemption 7576. (Mode 3.)
7650-X	DOT-E 7650	ICI Americas, Inc., Wilmington, DE.	49 CFR 173.315.	To authorize the use of non-DOT specification vacuum insulated steel portable tanks for shipment of certain nonflammable compressed gases. (Modes 1, 3.)
7694-X	DOT-E 7694	Borg Warner Corp., Van Nuys, CA.	49 CFR 173.302(a)(4), 175.3.	To authorize the use of non-DOT specification cylinders containing non-liquefied compressed gases. (Modes 1, 2, and 4.)
7714-P	DOT-E 7714	M1 Engineering, Ltd., Bradford, West Yorkshire.	49 CFR 173.119, 173.125, 173.245, 173.346, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 7714. (Modes 1, 2, and 3.)
7819-P	DOT-E 7819	Lowaco, S. A. Geneva, Switzerland.	49 CFR 173.119, 173.125, 173.131(a)(1), 173.135, 173.145, 173.147, 173.245(a), 173.247, 173.253, 173.255, 173.272, 173.294, 173.346, 173.347, 173.348, 46 CFR 90.05-35.	To become a party to Exemption 7819. (Modes 1, 2, and 3.)
7819-P	DOT-E 7819	Catu containers, S.A., Geneva, Switzerland.	49 CFR 173.119, 173.125, 173.131(a)(1), 173.135, 173.145, 173.147, 173.245(a), 173.247, 173.253, 173.255, 173.272, 173.294, 173.346, 173.347, 173.348, 46 CFR 90.05-35.	To become a party to Exemption 7819. (Modes 1, 2, and 3.)
7820-X	DOT-E 7820	Liquor Control Board of Ontario.	49 CFR 173.119, 173.125, 173.128(a), 173.131(a), 173.132(a), 173.245(a), 173.346(a), 46 CFR 90.05-35.	To authorize the use of a non-DOT specification IMCO Type II insulated portable tank for shipment of certain corrosive, flammable, poison B, and combustible liquids. (Modes 1, 2, and 3.)
7820-X	DOT-E 7820	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.119, 173.125, 173.128(a), 173.131(a), 173.132(a), 173.245(a), 173.346(a), 46 CFR 90.05-35.	To authorize the use of a non-DOT specification IMCO Type II insulated portable tank for shipment of certain corrosive, flammable, poison B, and combustible liquids. (Modes 1, 2, and 3.)
7823-X	DOT-E 7823	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.248.	To authorize the transportation of iodine pentafluoride in cylinders conforming to DOT Specification 4BW with certain exceptions. (Modes 1, 2, and 3.)
7830-X	DOT-E 7830	Sea Containers, Inc., New York, NY.	49 CFR Part 173, Subpart D, E, F, H, 46 CFR 90.05-35.	To authorize shipment of certain hazardous materials in non-DOT specification IMCO Type 2 insulated stainless steel portable tanks. (Modes 1, 2, and 3.)
7879-X	DOT-E 7879	Gearhart Industries, Inc., Fort Worth, TX.	49 CFR 173.246, 175.3, 176.42.	To authorize the shipment of bromine trifluoride in non-DOT specification seamless cylinders. (Modes 1, 2, 3, and 4.)
7881-X	DOT-E 7881	FMC Corp., Philadelphia, PA.	49 CFR 172.101 column 7(b).	To authorize the stowage of a corrosive solid, n.o.s. below deck when transported by passenger vessel. (Mode 3.)
7893-P	DOT-E 7893	Lowaco, S.A., Geneva, Switzerland.	49 CFR 173.226.	To become a party to Exemptions 7893. (Modes 1, 2, and 3.)
7893-X	DOT-E 7893	Orval Tank Containers, Paris, France.	49 CFR 173.226.	To authorize the use of a non-DOT specification stainless steel, containerized portable tank for the shipment of an oxidizer. (Modes 1, 2, and 3.)
7893-X	DOT-E 7893	L'Air Liquide, Paris, France.	49 CFR 173.226.	To authorize the use of a non-DOT specification stainless steel, containerized portable tank for the shipment of an oxidizer. (Modes 1, 2, and 3.)



## Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7893-P	DOT-E 7893	Catu Containers, S.A., Geneva, Switzerland.	49 CFR 173.226	To become a party to Exemption 7893. (Modes 1, 2, and 3.)
7925-X	DOT-E 7925	A/S Cheminova, Lemvig, Denmark	49 CFR 173.245	To authorize the use of non-DOT specification rubber lined portable tank for the shipment of certain corrosive liquids. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Compagnie Generale Maritime, Paris, France.	49 CFR 173.118a, 173.119, 173.125, 173.128, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	ABC Containerline, Antwerp, Belgium	49 CFR 173.118a, 173.119, 173.125, 173.128, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Eurotainer, Paris, France	49 CFR 173.118a, 173.119, 173.125, 173.128, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Sea Containers, Inc., New York, NY	49 CFR 173.118a, 173.119, 173.125, 173.128, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Bignier Schmid-Laurent, Paris, France	49 CFR 173.118a, 173.119, 173.125, 173.128, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Compagnie des Containers Reservoirs, Cedex, France.	49 CFR 173.118a, 173.119, 173.125, 173.128, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Lowaco, S.A., Geneva, Switzerland	49 CFR 173.118a, 173.119, 173.125, 173.128, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7942-X	DOT-E 7942	Chevron Chemical Co., San Francisco, CA.	49 CFR 173.28(m)	To authorize refilling of DOT Specification 17E drums with gasoline without full compliance with 173.28(m). (Mode 3.)
8002-X	DOT-E 8002	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification portable tanks for shipment of certain flammable, corrosive, Class B poisons, combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
8002-X	DOT-E 8002	Eurotainer, Paris, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification portable tanks for shipment of certain flammable, corrosive, Class B poisons, combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
8002-P	DOT-E 8002	CATU Containers, S.A., Geneva, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 8002. (Modes 1, 2, and 3.)
8002-X	DOT-E 8002	Tankcargo Container Leasing, Geneva, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification portable tanks for shipment of certain flammable, corrosive, Class B poisons, combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
8002-X	DOT-E 8002	Bignier Schmid-Laurent, Paris, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification portable tanks for shipment of certain flammable, corrosive, Class B poisons, combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
8002-X	DOT-E 8002	Lowaco, S.A., Geneva, Switzerland	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification portable tanks for shipment of certain flammable, corrosive, Class B poisons, combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
8009-P	DOT-E 8009	FIBA Leasing Co., Inc., Westboro, MA	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To become a party to Exemption 8009. (Mode 1.)
8023-X	DOT-E 8023	Acurex Corp., Mountain View, CA	49 CFR 173.302(a)(1), 173.304(a)(1), 173.304(d)(3), 175.3.	To authorize the use of non-DOT specification hooped wrapped FRP cylinders for the shipment of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
8030-X	DOT-E 8030	Halliburton Services, Inc., Duncan, OK	49 CFR 173.80(b), 173.80(c)	To authorize the transport of charged oil well perforating guns with a detonating fuze attached to one end. (Mode 1.)
8056-X	DOT-E 8056	Hapag-Lloyd AG, Hamburg, Germany	49 CFR 173.119, 173.125, 173.245, 173.266, 173.346, 46 CFR 90.05-35.	To authorize the use of non-DOT specification portable tanks for the shipment of certain flammable, corrosive, Class B poisons combustible liquids and oxidizing materials. (Modes 1, 2, and 3.)
8057-X	DOT-E 8057	Hapag-Lloyd, Hamburg, Germany	49 CFR 173.119, 173.125, 173.245, 173.266, 173.346, 46 CFR 90.05-35.	To authorize the use of non-DOT specification portable tanks for the shipment of certain flammable, corrosive, Class B poisons combustible liquids and oxidizing materials. (Modes 1, 2, and 3.)
8080-X	DOT-E 8080	Diamond Shamrock Corp., Dallas TX	49 CFR 173.164	To authorize the transport of dry chromic acid in a DOT Specification 105A300W tank car which has been converted to DOT Specification 111A100W. (Mode 2.)
8086-X	DOT-E 8086	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 172.102, 173.118(a), 173.119, 173.206, 173.87.	To authorize the transport of a cruise missile containing hazardous materials. (Mode 1.)
8086-X	DOT-E 8086	Boeing Aerospace Co., Seattle, WA	49 CFR 172.101, 172.102, 173.118(a), 173.119, 173.206, 173.87.	To authorize the transport of a cruise missile containing hazardous materials. (Mode 1.)
8087-X	DOT-E 8087	Union Carbide Corp., New York, NY	49 CFR 173.154	To authorize the shipment of an oxidizing material in DOT Specification 56 portable tanks. (Mode 1.)
8099-X	DOT-E 8099	Union Carbide Corp., New York, NY	49 CFR 173.365(a)(15)	To authorize the shipment of a non-DOT specification corrugated fiberboard box with an inner heat-sealed bag for the shipment of a Class B poisonous solid. (Modes 1, 2, and 3.)
8109-X	DOT-E 8109	CATU Containers, S.A., Geneva, Switzerland.	49 CFR 173.119, 173.125, 173.128, 173.135, 173.141, 173.145, 173.147, 173.224, 173.245, 173.276, 173.280, 173.346, 173.347, 173.349, 46 CFR 90.05-35.	To authorize the shipment of certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
8109-X	DOT-E 8109	Lowaco, S.A., Geneva, Switzerland	49 CFR 173.119, 173.125, 173.128, 173.135, 173.141, 173.145, 173.147, 173.224, 173.245, 173.276, 173.280, 173.346, 173.347, 173.349, 46 CFR 90.05-35.	To authorize the shipment of certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
8109-X	DOT-E8109	Transport International Containers, Paris, France.	49 CFR 173.119, 173.125, 173.128, 173.135, 173.141, 173.145, 173.147, 173.224, 173.245, 173.276, 173.280, 173.346, 173.347, 173.349, 46 CFR 90.05-35.	To authorize the shipment of certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
8109-X	DOT-E8109	SLEMI, Paris, France	49 CFR 173.119, 173.125, 173.128, 173.135, 173.141, 173.145, 173.147, 173.224, 173.245, 173.276, 173.280, 173.346, 173.347, 173.349, 46 CFR 90.05-35.	To authorize the shipment of certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)



## Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8109-X	DOT-E8109	Fauvet-Girel, Paris, France	49 CFR 173.119, 173.125, 173.126, 173.135, 173.141, 173.145, 173.147, 173.224, 173.245, 173.276, 173.290, 173.346, 173.347, 173.349, 46 CFR 90.05-35	To authorize the shipment of certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	Fauvet-Girel, Paris, France	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	CATU Containers, S.A., Geneva, Switzerland	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	Lowaco, S.A., Geneva, Switzerland	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	Eurotainer, Paris, France	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	Transport International Containers, Paris, France	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	SLEMI, Paris, France	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8115-X	DOT-E8115	Acurex Corp., Mountain View, CA	49 CFR 173.302(a)(1), 175.3	To authorize the use of a limited number of non-DOT specification FRP cylinders prescribed in DOT-E 8023 for underwater breathing. (Modes 1, 2, 3, 4, and 5.)
8125-X	DOT-E 8125	Fauvet-Girel, Paris, France	49 CFR 173.123, 173.315	To authorize the shipment of non-DOT specification non-insulated portable tanks for the shipment of certain flammable and nonflammable gases and flammable liquids. (Modes 1, 2, and 3.)
8125-X	DOT-E 8125	Transport International Containers, Paris, France	49 CFR 173.123, 173.315	To authorize the shipment of non-DOT specification non-insulated portable tanks for the shipment of certain flammable and nonflammable gases and flammable liquids. (Modes 1, 2, and 3.)
8126-X	DOT-E 8126	Transport International Containers, Paris, France	49 CFR 173.123, 173.315	To authorize the shipment of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8126-X	DOT-E 8126	Fauvet-Girel, Paris, France	49 CFR 173.123, 173.315	To authorize the shipment of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8126-X	DOT-E 8126	SLEMI, Paris, France	49 CFR 173.123, 173.315	To authorize the shipment of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8127-P	DOT-E 8127	Hercules, Inc., Wilmington, DE	49 CFR 173.127, 173.184, 178.224	To become a party to Exemption 8127. (Modes 1, 2, and 3.)
8141-X	DOT-E 8141	GTE Products Corp., Needham, MA	49 CFR 172.101, 173.208, 173.247	To authorize the transport of individual cells and modules consisting of three cells containing lithium metal and thionyl chloride. (Mode 1.)
8144-X	DOT-E 8144	Atlas Powder Co., Dallas, TX	49 CFR 173.133	To authorize the transport of 10 percent of nitroglycerine in propylene glycol as "spirits of nitroglycerine." (Mode 1.)
8192-X	DOT-E 8192	Grief Brothers Corp., Springfield, NJ	49 CFR 173.272(g), 173.346, 173.348	To manufacture, mark and sell DOT Specification 34 containers for shipment of class B poisonous liquids and sulfuric acid. (Modes 1, 2, and 3.)
8192-X	DOT-E 8192	Grief Brothers Corp., Springfield, NJ	49 CFR 173.272(g), 173.346, 173.348	To manufacture, mark and sell DOT Specification 34 containers for shipment of class B poisonous liquids and sulfuric acid. (Modes 1, 2, and 3.)
8196-X	DOT-E 8196	ANF Industrie, Paris, France	49 CFR 173.315(a)	To authorize the use of a non-DOT specification portable tanks for the shipment of certain compressed gases. (Modes 1, 2, and 3.)
8228-P	DOT-E 8228	U.S. Department of Justice, Washington, DC	49 CFR 173.100(bb), 173.113(a)(1), 173.86	To become a party to Exemption 8228. (Mode 1.)
8237-X	DOT-E 8237	Sanders Associates, Inc., Nashua, NH	49 CFR 172.101, 173.302(a)(2), 175.3	To authorize the shipment of a device containing lithium batteries and a cylinder containing compressed nitrogen in a non-DOT specification wooden box. (Modes 1 and 4.)
8299-X	DOT-E 8299	HTL Industries, Inc., Duarte, CA	49 CFR 173.304(a)(1), 175.3, 178.44	To manufacture, mark and sell non-DOT specification pressure vessels for shipment of a compressed gas. (Modes 1, 2, 4, and 5.)
8354-X	DOT-E 8354	Fauvet-Girel, Paris, France	49 CFR 173.123, 173.315	To authorize the use of a non-DOT specification portable tank for the shipment of certain liquefied petroleum gases and other gases classed as flammable liquids and flammable gases. (Modes 1, 2, and 3.)
8354-X	DOT-E 8354	Fauvet-Girel, Paris, France	49 CFR 173.123, 173.315	To authorize the use of a non-DOT specification portable tank for the shipment of certain liquefied petroleum gases and other gases classed as flammable liquids and flammable gases. (Modes 1, 2, and 3.)
8376-P	DOT-E 8376	Compagnie General Maritime, Paris, France	49 CFR 173.119, 173.245, 173.346	To become a party to Exemption 8376. (Modes 1, 2, and 3.)
8388-X	DOT-E 8388	B.W. Norton Manufacturing Co., Oakland, CA	49 CFR 173 Subpart D, 173 Subpart F, 178.19	To authorize shipment of liquid hazardous materials in a five-gallon capacity non-DOT specification removable head polyethylene drum. (Modes 1, 2, and 3.)
8390-P	DOT-E 8390	Ashland Chemical Co., Dublin, OH	49 CFR 173.272, 178.210, 178.24a	To become a party to Exemption 8390. (Mode 1.)
8431-X	DOT-E 8431	Dow Chemical Co., Midland, MI	49 CFR 173.294(a)(2), 179.202-16	To authorize the shipment of monochloroacetic acid solution in DOT Specification 111A100W6 tank car fabricated from type 316 stainless steel with weld material equivalent to 316L stainless steel. (Mode 2.)
8434-P	DOT-E 8434	Elkem Metals Co., Pittsburgh, PA	49 CFR 173.154, 173.178	To become a party to Exemption 8434. (Modes 1, 2.)
8441-P	DOT-E 8441	Electrochem Industries, Inc., Clarence, NY	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8445-X	DOT-E 8445	Dow Chemical Co., Midland, MI	49 CFR Part 173, Subpart D, E, F, H	To authorize shipment of various hazardous substances and wastes in various containers, not exceeding one gallon capacity, overpacked in DOT Specification containers for purposes of disposal. (Mode 1.)
8540-X	DOT-E 8540	U.S. Navy (Naval Sea Systems Command), Washington, DC	49 CFR 176.83(b) Table II	To authorize the shipment of oxygen candles in non-DOT specification fiberboard boxes. (Mode 3.)



## New Exemptions

Application No.	Exemption No.	Applicant	Regulations(s) affected	Nature of exemption thereof
8359-N	DOT-E 8359	Dow Chemical Co., Midland, MI	49 CFR 173.389-173.398, Part 172, Part 177.	To transport within plant over public highway via private carriage, radioactive materials (radioisotopes) as essentially non-regulated materials when contained in sealed source instruments for inhouse processing. (Mode 1.)
8440-N	DOT-E 8440	Hugonnet, S.A., Paris, France	49 CFR 173.245a, 173.252	To authorize shipment of bromine in non-DOT specification IMCO type I portable tanks, lined with polyvinylidene fluoride. (Modes 1, 2, and 3.)
8488-N	DOT-E 8488	Born Free Plastics, Inc., Gardena, CA	49 CFR 173.119, 173.348(a), Part 173 Subpart F.	To manufacture, mark and sell DOT Specification 34 polyethylene drums for shipment of Class B poisons, and flammable liquids. (Modes 1, 2, and 3.)
8520-N	DOT-E 8520	Atlas Powder Co., Dallas, TX	49 CFR 173.114a(b)(6)	To authorize the use of a "pipe in lieu of the required 'fire test' for blasting against packed in drums not to exceed 440 pounds. (Modes 1, 2, 3, and 4.)
8525-N	DOT-E 8525	Associated Container Transportation (U.S.A.), New York, NY	49 CFR 173.389(c)(1), 173.392(c), 176.700(h)(1)(2).	To authorize shipment of monazite sand, classed as radioactive material, low specific activity, n.o.s. stowed under deck with other cargo. (Modes 1, 2, and 3.)
8535-N	DOT-E 8535	Advance Aviation Services, Inc., Mesa, AZ	49 CFR 107 Appendix B, 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b).	To authorize carriage of Class A, B, & C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8536-N	DOT-E 8536	Pennwalt Corp., Buffalo, NY	49 CFR 173.157(a)(5)	To authorize an increase in the maximum allowable gross weight of a DOT Specification 12B corrugated fiberboard box for shipment of wet benzoyl peroxide. (Modes 1 and 3.)
8537-N	DOT-E 8537	Container Corp. of America, Wilmington, DE	49 CFR 173.119	To manufacture, mark and sell DOT Specification 34 polyethylene containers for shipment of methanol and isopropanol, classed as flammable liquids. (Modes 1, 2, and 3.)
8539-N	DOT-E 8539	Aero Taxi-Rockford, Inc., Rockford, IL	49 CFR 107 Appendix B, 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b).	To authorize the shipment of certain Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8551-N	DOT-E 8551	Huber Manufacturing, Inc., Gulfport, MS	49 CFR 173.119(a)(17), 173.245(a)(30), 173.348(a)(12), 178.340-7, 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 and certain other features for transportation of flammable, corrosive, or poisonous waste liquids or semi-solids. (Mode 1.)
8552-N	DOT-E 8552	Brenner Tank, Inc., Fond du Lac, WI	49 CFR 173.119(a)(17), 173.245(a)(30), 173.348(a)(12), 178.340-7, 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.)
8555-N	DOT-E 8555	Thiokol Corp., Brigham City, UT	49 CFR 173.92	To authorize shipment of large rocket motor segment on a special highway vehicle. (Modes 1 and 2.)

## Emergency Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 6889-X	DOT-E 6889	McDonnell Douglas Corp., Tulsa, OK	49 CFR 173.304(a)(1)	To authorize the use of a non-DOT specification non-refillable steel tube for shipment of a nonflammable compressed gas. (Mode 1.)
EE 8581-N	DOT-E 8581	U.S. Environmental Protection Agency, Research Triangle Park, NC	49 CFR Parts 100-199	To authorize shipment of small 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, and 5.)
EE 8593-N	DOT-E 8593	Dow Chemical Co., Midland, MI	49 CFR 173.252(a)(4)	To authorize the transportation of bromine in a tank motor vehicle loaded to less than 92% capacity. (Mode 1.)
EE 8594-N	DOT-E 8594	Airco, Murray Hill, NJ	49 CFR 173.314(c), Note 23, 179.105-3(c).	To authorize a one-time shipment of methylacetylene-propadiene, stabilized in a DOT-112A340W tank car not equipped with thermal protection and tank head puncture resistant system. (Mode 2.)

## Withdrawals

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8153-P	Continental Vanguard, Inc., Beltsmaw, NJ	49 CFR 173.119(a)(17), 173.245(a)(30), 173.245(a)(31), 178.340-7, 178.342-5, 178.343-5.	To become a party to Exemption 8153. (Mode 1.)
8306-X	FMC Corp., Philadelphia, PA	49 CFR 172.101, 173.245b	To authorize shipment of sodium sulfide as a corrosive material in collapsible polyethylene-lined polypropylene bags having capacity of approximately 2200 pounds each. (Modes 1 and 3.)

## Denials

6122-X	Request by Pennwalt Corporation, Philadelphia, PA to authorize use of non-DOT specification packagings with handholes in side panels for shipment of certain dry oxidizing materials denied March 5, 1981.
7202-X	Request by Waters Instruments, Inc., Rochester, MN to authorize the transportation of a compressed gas package in the cabin of a passenger-carrying aircraft denied March 3, 1981.
8424-N	Request by Sporting Specialties, Ltd., Louisville, KY to ship calcium carbide in 1 kilogram size inside metal cans packed in a DOT Specification 12B fiberboard box not exceeding 50 pounds net weight, as a limited quantity denied March 12, 1981.
EE 8573-N	Request by Shenango Enterprises, Incorporated, Fountain Valley, PA 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 denied March 13, 1981.



Issued in Washington, D.C., on June 4, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-18104 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-60-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

#### Debt Management Advisory Committees; Meetings

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that a meeting will be held at the Federal Reserve Bank of New York on July 14, 1981, of the following debt management advisory committee: Public Securities Association, U.S. Government and Federal Agencies, Securities Committee.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session and the preparation of a written report to the Secretary of the Treasury and the Treasury staff on July 14, 1981.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5 (January 7, 1981), I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of the meeting of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: June 16, 1981.

Roger W. Mehle,

Assistant Secretary (Domestic Finance).

[FR Doc. 81-18309 Filed 6-19-81; 8:45 am]

BILLING CODE 4810-25-M

## VETERANS ADMINISTRATION

### Availability of Report of 38 U.S.C. 219 Program Evaluation

Notice is hereby given that the program evaluation of the Veterans Administration's Mobile Home Loan Program has been completed.

Single copies of the Mobile Home Loan Program evaluation are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: June 16, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81-18373 Filed 6-19-81; 8:45 am]

BILLING CODE 8320-01-M

### Expansion of Clinical, Outpatient and Education Space, Veterans Administration Medical Center, New Orleans, La.; Planned Action

The Veterans Administration plans the construction of a clinical addition, service core, and renovations to building

no. 1, for the expansion of clinical, outpatient and education space. The clinical addition will be an eight-storey structure (plus basement and mechanical penthouse) of approximately 200,000 gross square feet and will be located on a 1.1 acre site adjacent to the Veterans Administration Medical Center (VAMC), New Orleans, Louisiana.

The Veterans Administration (VA) has determined that the project is a "Critical Action" as defined by Executive Order 11988 and as such should avoid being sited within the 500 year floodplain. The Dallas Regional Office of the Federal Emergency Management Agency (FEMA) indicated that the New Orleans VAMC and the project site is within Zone B or the 500 year floodplain boundary. The floodplain is defined as having a 0.2 percent chance of flooding as a result of unusual and rapid accumulation of runoff of surface waters from any source. However, a determination has been made by the VA that the planned project will not adversely affect the floodplain. The potential for flooding will be considered in the design of the building.

Accepted floodproofing and other flood protection measures shall be applied to the new construction. Development will be in total conformance with existing floodplain management objectives. Project alternatives have been considered in the planning process. Due to the location of the existing hospital within the 500 year floodplain and the necessity of accessibility to the existing hospital, no sites outside of the floodplain were considered.

In view of the planned design incorporating flood protection measures, it is the determination of the VA that there will be no significant increase in the elevation of flood water due to this project.

The VA is soliciting comments from State and local levels. The comment period will be open for 30 days following the publication of this notice in the **Federal Register**. This Notice of Planned Action is in compliance with the announcement requirements of



Executive Order 11988, Floodplain Management Guidelines (February 1978). Comments on this action should be addressed to: Mr. William A. Salmond, Assistant Administrator for Construction (08), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Dated: June 15, 1981.

**Donald L. Custis,**

*Acting Administrator.*

[FR Doc. 81-18374 Filed 6-19-81; 8:45 am]

BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 46, No. 119

Monday, June 22, 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

### DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE.

**TIME AND DATE:** 3:30 p.m., Thursday, June 25, 1981.

**PLACE:** North Entrance on Pennsylvania Avenue, Department of the Treasury, Washington, D.C. 20220.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

1. Amendments to Rules of Organization and Procedure, Availability of Information and Public Observation of Meetings.
2. Election of Vice Chairman, General Counsel, and Executive Secretary.
3. Proposals to eliminate caps on 2½ year small saver certificates and phase out deposit rate ceilings by maturity.
4. Proposals for new short-term deposits.
5. Consideration of restoration of differential on 6-month money market certificates.
6. Deregulation of IRA and Keogh accounts.
7. Any agenda item carried forward from a previously announced meeting.

**Note.**—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening at the Treasury Department in the office of the Executive Secretary of the Committee, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220, and copies may be ordered for \$5 per cassette by calling (202) 566-5152 or by writing to: Executive Secretary, Depository Institutions Deregulation Committee, Room 1208, Department of the Treasury, Washington, D.C. 20220.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Robert D. Levine, (202) 566-5158.

Normand R. Bernard,  
Assistant Secretary.

(S-090-81 Filed 6-11-81; 11:18 am)

BILLING CODE 6210-01-M

2

### FEDERAL ENERGY REGULATORY COMMISSION.

June 17, 1981.

**TIME AND DATE:** 10 a.m., June 24, 1981.

**PLACE:** Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

#### MATTERS TO BE CONSIDERED: Agenda.

**Note.**—Items listed on the agenda may be deleted without further notice.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers, relevant to the items on the agenda; however, all public documents may be examined in the division of Public Information.

The consent agendas, power and miscellaneous agendas will be considered on Wednesday, June 24, 1981. The gas agenda will be considered on Thursday, June 25, 1981.

#### Consent Power Agenda—494th Meeting, June 24, 1981, Regular Meeting (10 a.m.)

- CAP-1. Project No. 2913 Alabama Electric Cooperative, Inc.; Project No. 2918, Municipal Electric Authority of Georgia Project No. 3016, City of Dothan, Ala.
- CAP-2. Project No. 2809-001, Maine Hydro-Electric Development Corp.
- CAP-3. Project No. 459, Union Electric Co.
- CAP-4. Project No. 4111-000, North Kern Water Storage District
- CAP-5. Project Nos. 67 and 2868, Southern California Edison Co.; Project No. 2904, Cities of Anaheim and Riverside, Calif.
- CAP-6. Project No. 2934, New York State Electric & Gas Corp.
- CAP-7. Project No. 2985, Mead Paper Corp.
- CAP-8. Project No. 3469, Pacific Northwest Generating Co., Oregon Public Power Agency and Grants Pass Irrigation District; Project No. 3989, Energenics Systems, Inc.
- CAP-9. Docket Nos. ER81-443-000 and ER81-219-000, Boston Edison Co.
- CAP-10. Docket No. ER81-438-000, Boston Edison Co., Docket No. ER81-439-000, New England Power Co.
- CAP-11. Docket No. ER76-819, Central Illinois Light Co.

- CAP-12. Docket No. E-8851, Alabama Power Co.
- CAP-13. Docket No. ER77-578, Kansas Gas & Electric Co.
- CAP-14. Docket No. ER77-347, Wisconsin Power & Light Co.
- CAP-15. Docket No. ER81-81-000, Florida Power & Light Co.
- CAP-16. Docket No. ES81-44-000, Gulf States Utilities Co.

#### Consent Miscellaneous Agenda

- CAM-1. Docket No. RM80-42, Tax normalization for certain items reflecting timing differences in the recognition of expenses or revenues for ratemaking and income tax purposes
- CAM-2. Docket No. RM80-33, final rules for Part 270, Subpart B, Section 270.201, 270.202 and 270.204
- CAM-3. Docket No. GP79-88, South Texas Natural Gas Gathering Co.
- CAM-4. Docket No. RA78-4, Bayou State Oil Corp.

#### Consent Gas Agenda

- CAG-1. Docket No. RP81-69-000, South Georgia Natural Gas Co.
- CAG-2. Docket No. RP81-70-000, Midwestern Gas Transmission Co.
- CAG-3. Docket No. RP81-71-000, Montana-Dakota Utilities Co.
- CAG-4. Docket No. RP81-73-000, Sea Robin Pipeline Co.
- CAG-5. Docket No. RP80-63, El Paso Natural Gas Co.
- CAG-6. Docket No. TA81-2-6-000 (PGA81-2, LFUT81-2, IPR81-2 and TT81-2), Sea Robin Pipeline Co.
- CAG-7. Docket No. TA81-2-7-000 (PGA81-2, IPR81-2, DCA81-2, and LFUT81-2), Southern Natural Gas Co.
- CAG-8. Docket No. TA81-2-9-000 (PGA81-2, IPR81-2, DCA81-2, R&D81-2 and LFUT81-2), Tennessee Gas Pipe Line Co.
- CAG-9. Docket No. TA81-2-10-000 (PGA81-2 and IPR81-2), Tennessee Natural Gas Lines, Inc.
- CAG-10. Docket No. TA81-2-11-000 (PGA81-2, IPR81-2 and LFUT81-2), United Gas Pipe Line Co.
- CAG-11. Docket No. TA81-1-29-002 (PGA81-1, IPR81-1, DCA81-1 and LFUT81-1), Transcontinental Gas Pipe Line Corp.
- CAG-12. Docket No. TA81-2-48-000 (PGA81-2, IPR81-2 and LFUT81-2), Michigan Wisconsin Pipe Line Co.
- CAG-13. Docket Nos. RP81-74-000 and RP81-75-000, Arkansas Louisiana Gas Co.
- CAG-14. Docket No. RP80-145, Columbia Gulf Transmission Co.
- CAG-15. Docket No. RP81-47-000, Northwest Pipeline Corp.
- CAG-16. Docket No. RP81-49-000, Natural Gas Pipeline Co. of America
- CAG-17. Docket Nos. RP81-54, RP81-56 and RP80-97, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket Nos. RP81-53 and RP81-55, East Tennessee



Natural Gas Co.; Docket Nos. RP81-57 and RP81-17, Midwestern Gas Transmission Co.

CAG-18. Docket No. RP80-94, Peoples Natural Gas Co., a Division of Internorth, Inc.

CAG-19. Docket No. Texas Eastern Transmission Corp.

CAG-20. FERC gas rate schedule No. 634, Exxon Corp.; Docket No. CI81-237, Conoco, Inc.; Docket No. CI81-314-000, Marathon Oil Co.; Docket No. CI81-239, Conoco, Inc.

CAG-21. FERC gas rate schedule No. 17, Oneok Exploration Co.; FERC gas rate schedule Nos. 402 and 450, Sun Oil Co.

CAG-22. Docket No. TC81-21-000, Arkansas Louisiana Gas Co.

CAG-23. Docket No. CP80-309, Michigan Wisconsin Pipe Line Co.

CAG-24. Docket No. CP81-40-000,

Transcontinental Gas Pipe Line Corp.

CAG-25. Docket No. CP81-216-000, Columbia Gas Transmission Corp.

CAG-26. Docket No. CP78-266, Bear Creek Storage Co., Southern Natural Gas Co. and Tennessee Gas Pipeline Co.

## Regular Power Agenda

### I. Licensed Project Matters

P-1. Project Nos. 4307-000, 4305-000, 4321-000, and 4322-000, Northeastern Minnesota Municipal Power Agency; Mississippi Lock and Dam No. 5A Hydroelectric Project and Mississippi Lock and Dam No. 5 Hydroelectric Project

P-2. Project No. 3238, Marsh Island Hydro Associates; Project No. 3223, Bangor Hydro-Electric Co.

P-3. Project No. 4064, Baker Valley Irrigation District Project No. 3459, Cascade Waterpower Development Corp.

### II. Electric Rate Matters

ER-1. Docket No. ER81-450-000, Union Electric Co.

ER-2. Docket No. ER81-426-000, El Paso Electric Co.

ER-3. Docket No. ER81-428-000, Middle South Services, Inc.; Docket No. EL81-12-000, State of Arkansas v. Middle South Utilities, Inc.

ER-4. Docket No. ER81-398-000, New England Power Co.

ER-5. Docket No. ER81-392-000, Pennsylvania Power & Light Co.

ER-6. Docket Nos. ER77-485, ER77-551, and E-9606, Carolina Power & Light Co.

ER-7. Docket No. ER79-277, Middle South Services, Inc.

ER-8. Docket No. EF81- , Pacific Northwest Electric Power Planning and Conservation Act—rates for sales to Bonfieville Power Administration

ER-9. Docket No. ER79-20, Buckeye Power, Inc. v. Cincinnati Gas & Electric Co.

### Regular Miscellaneous Agenda

M-1. Docket No. RM79-3, Oklahoma Corporation Commission, Alternative filing plan under Section 274.207

M-2. Reserved

M-3. Reserved

## Regular Gas Agenda

### I. Pipeline Rate Matters

RP-1. Docket No. TA81-2-31, Arkansas Louisiana Gas Co., Docket No. TA81-2-21, Columbia Gas Transmission Corp.; Docket No. TA81-2-22, Consolidated Gas Supply Corp.; Docket No. TA81-2-33, El Paso Natural Gas Co.; Docket No. TA81-2-34, Florida Gas Transmission Co.; Docket No. TA81-2-48, Michigan Wisconsin Pipe Line Co.; Docket No. TA81-2-15, Mid Louisiana Gas Co.; Docket No. TA81-2-25, Mississippi River Transmission Co.; Docket No. TA81-2-16, National Fuel Gas Supply Corp.; Docket No. TA81-2-26, Natural Gas Pipeline Co. of America; Docket No. TA81-2-59, Northern Natural Gas Co.; Docket No. TA81-2-28, Panhandle Eastern Pipe Line Co.; Docket No. TA81-2-8, Sea Robin Pipeline Co.; Docket No. TA81-2-7, Southern Natural Gas Co.; Docket No. TA81-2-9, Tennessee Gas Pipeline Co.; Docket No. TA81-2-17, Texas Eastern Transmission Corp.; Docket No. TA81-2-18, Texas Gas Transmission Corp.; Docket No. TA81-2-30, Trunkline Gas Co.; Docket No. TA81-2-29, Transcontinental Gas Pipe Line Corp.; Docket No. TA81-2-11, United Gas Pipe Line Co.

RP-2. Docket No. TA81-2-48-000 (PGA81-2, IPR81-2 and LFUT81-2), Michigan Wisconsin Pipe Line Co.

RP-3. Docket No. RP78-78, Natural Gas Pipeline Co. of America

RP-4. Docket Nos. IS81-123-000, FS81-5-000 and FS81-6-000, Williams Pipe Line Co.

### II. Producer Matters

CI-1. Docket No. SA80-3, M. H. Marr

CI-2. Docket No. G-3636, Allied Chemical Corp.

### III. Pipeline Certificate Matters

CP-1. Docket Nos. CP76-285, et al., Mountain Fuel Resources, Inc. et al. (Clay Basin Long-term Storage Project); Docket No. CP76-388, Mountain Fuel Supply Co., Docket No. CP76-389, Northwest Pipeline Corp.

CP-2. Docket No. ST81-314-000, Channel Industries Gas Co.; Docket No. ST81-315-000, United Texas Transmission Co.

Kenneth F. Plumb,

Secretary.

[S-959-81 Filed 6-18-81; 11:02 am]

BILLING CODE 6450-03-M

## 3

### METRIC BOARD.

TIME AND DATE: 8:30 a.m., Thursday, July 9, 1981; 9 a.m., Friday, July 10, 1981.

PLACE: Sheraton Center Hotel, Carolina Room, Salon D, 555 South McDowell Street, Charlotte, N.C. 28204.

STATUS: Thursday, July 9, 1981—open to the public from 8:30 a.m. to 4:45 p.m. closed to the public from 4:45 p.m. to 5:30 p.m. (Exemption 5 U.S.C. 552b(c)(2)), Friday, July 10, 1981—closed to the public (Exemption 5 U.S.C. 552b(c)(9)(B)).

MATTERS TO BE CONSIDERED: Thursday, July 9:

Approval of Agenda—approval of agenda for this meeting. Review/Approval of Minutes of the Board Meeting held in Annapolis, Maryland on May 6-7, 1981.

Presentation to the Board by Ruth Champagne, Metric Consultant, Research Department, AFL-CIO Appalachian Council, Inc.—a slide presentation describing the Appalachian Council program of metric education designed to assist the more than 5½ million union member workers within its jurisdiction.

National Metric Week—a presentation will be made to the Board reviewing the activities of the USMB involvement and support of National Metric Week 1981, and the Board will decide whether or not to support National Metric Week 1982, and at what budget level.

Report on Consumer Program—Ms. Nancy Chasen will make a presentation to the Board on her analysis of issues with potential consumer impact.

Report on Research Project—Mr. Joseph Pokorney of Middlesex Research Center, Inc., will present the results and recommendations of the Contractor of the Research Report entitled: "The Effects of Metric Change on Worker Tools and Training."

Agenda Items—discussion of agenda items for bimonthly meeting of the Board to be held in Baltimore, Maryland on September 9-10, 1981.

A report to the Board by the Search Committee on Executive Director vacancy (Closed Session).

Friday, July 10

Fiscal Year 1983 Budget Matters (Closed to the Public)

### CONTACT PERSON FOR FURTHER

INFORMATION: Lu Verne V. Hall, (703) 235-3058.

Louis F. Polk,

Chairman, United States Metric Board.

[S-952-81 Filed 6-18-81; 10:29 am]

BILLING CODE 8250-01-M

## 4

### METRIC BOARD.

Administrative and Budget Committee

TIME AND DATE: 10:30 a.m., Wednesday, July 8, 1981.

PLACE: Sheraton Center Hotel, Conference Room 7, seventh floor, 555 South McDowell Street, Charlotte, N.C. 28204.

STATUS: Open to the Public, except that portion concerned with FY-83 budget matters, which is closed to the Public (Exemption 5 U.S.C. 552b(c)(9)(B)).

### MATTERS TO BE CONSIDERED:

Briefing on role and jurisdictional authority of the Administrative and Budget Committee. Review of current expenditures for FY-81. Congressional relations update FY-82 Appropriation request.



Report on FY-83 Budget matters (Closed to the Public).

**CONTACT PERSON FOR FURTHER INFORMATION:** James Skinner, (703) 235-3051.

Louis F. Polk,  
*Chairman, United States Metric Board.*

[S-053-81 Filed 6-18-81; 10:32 am]

BILLING CODE 8250-01-M

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#### METRIC BOARD

Executive Committee

**TIME AND DATE:** 3 p.m., Wednesday, July 8, 1981.

**PLACE:** Sheraton Center Hotel, Conference Room 3, third floor, 555 South McDowell Street, Charlotte, N.C. 28204.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:** The Committee has no specific subjects scheduled for consideration. There will be general discussions regarding future Committee tasks and methods of operation. New Committee Members will be briefed on their duties and responsibilities.

**CONTACT PERSON FOR FURTHER INFORMATION:** Lu Verne V. Hall, (703) 235-3058.

Louis F. Polk,  
*Chairman, United States Metric Board.*

[S-057-81 Filed 6-18-81; 10:35 am]

BILLING CODE 8250-01-M

6

#### METRIC BOARD.

Planning and Coordination Committee

**TIME AND DATE:** 1 p.m., Wednesday, July 8, 1981.

**PLACE:** Sheraton Center Hotel, Conference Room 7, seventh floor, 555 South McDowell Street, Charlotte, N.C. 28204

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED:

Approval of Minutes  
Staff briefing on completed and in-process work of the Private Sector, and Planning and Coordination Committees as well as the Ad Hoc Committees on Standards and on State Government.

Staff reports on Industry Advisory Panels Projects and the second annual meeting of the National Council on State Metrication (NCSM).

Staff report on the NCSM Charter.  
New business.

**CONTACT PERSON FOR FURTHER INFORMATION:** Alan Whelihan, (703) 235-2583.

Louis F. Polk,  
*Chairman, United States Metric Board.*

[S-056-81 Filed 6-18-81; 10:34 am]

BILLING CODE 8250-01-M

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#### METRIC BOARD.

Public Awareness and Education Committee

**TIME AND PLACE:** 9 a.m., Wednesday, July 8, 1981.

**PLACE:** Sheraton Center Hotel, Conference Room 5, fifth floor, 555 South McDowell Street, Charlotte, N.C. 28204.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED:

Approval of Minutes  
Approval of Agenda  
Report on Personnel  
Review of Previous Month's Activity  
Report on Next Public Forum  
Discussion of Committee Objectives  
Public Forum Recommendations  
OMB Audiovisual Moratorium  
Report on Kenney TV Public Service Announcement  
Report on Metric Magazine  
Status of "All About Metric" revision  
Report on Hospital Training Seminar  
Report on Tool Chest Conversion Card  
Report on Suburban Press Contract

**CONTACT PERSON FOR FURTHER INFORMATION:** John Donnelly, (703) 235-2820.

Louis F. Polk,  
*Chairman, United States Metric Board.*

[S-053-81 Filed 6-18-81; 10:31 am]

BILLING CODE 8250-01-M

8

#### METRIC BOARD.

Research Committee

**TIME AND DATE:** 10 a.m. to 5 p.m., Wednesday, July 8, 1981.

**PLACE:** Sheraton Center Hotel, Conference Room 9, ninth floor, 555 South McDowell Street, Charlotte, North Carolina 28204.

**STATUS:** Portion of the Meeting will be Open to the Public and Portions of the Meeting will be Closed to the Public.

**MATTERS TO BE CONSIDERED:** Three briefings on Research activities: (1) A general status report of all research projects and activities. This portion of the meeting will be Open to the Public; (2) FY-83 Research Budget discussion. This portion of the meeting will be Closed, under exemption 5 U.S.C. 552b(c)(9)(B) because the Research Budget has not yet been transmitted by

the President to the Congress; (3) detailed report and discussion of Committee recommendations to the Board of the research project entitled *The Effects of Metric Change on Worker Tools and Training*. This portion of the meeting will be Closed to the Public under exemption 5 U.S.C. 552b(c)(9)(B) because premature release of this information would have a significant adverse impact on the successful completion of the project.

**CONTACT PERSON FOR FURTHER INFORMATION:** G. Edward McEvoy, (703) 235-2918.

Louis F. Polk,  
*Chairman, United States Metric Board.*

[S-054-81 Filed 6-18-81; 10:31 am]

BILLING CODE 8250-01-M

9

#### NATIONAL CREDIT UNION ADMINISTRATION.

**TIME AND DATE:** 9:30 a.m., Thursday, June 25, 1981.

**PLACE:** Seventh floor board room, 1776 G Street NW., Washington, D.C.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Requests from three CDCUs for assistance under Section 705 of the NCUA Rules and Regulations—Community Development Credit Union Program.
3. Reports of actions taken under delegations of authority.
4. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

**RECESS:** 10:15 a.m.

**TIME AND DATE:** 10:30 a.m., Thursday, June 25, 1981.

**PLACE:** Seventh floor board room, 1776 G Street N.W., Washington, D.C.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

1. State chartered credit union insurance application. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Proposed policy on special assistance under Section 208(a)(2) of the Federal Credit Union Act to facilitate mergers, sales of assets and assumptions of liabilities. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Administrative actions under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).



6. Proposed change of station action. Closed pursuant to exemptions (2) and (6).  
7. Personnel actions. Closed pursuant to exemptions (2) and (6).

**FOR MORE INFORMATION CONTACT:** Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-961-81 Filed 6-18-81; 11:49 am]

**BILLING CODE 7535-01-M**

## 10

### **SECURITIES AND EXCHANGE COMMISSION.**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 46 FR 31132, June 12, 1981.

**STATUS:** Open/closed meeting.

**PLACE:** Room 824, 500 North Capitol Street, Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:** Tuesday, June 9, 1981.

**CHANGES IN THE MEETING:** Deletion/ additional items. The following item will

not be considered at an open meeting scheduled for Thursday, June 18, 1981, at 2:30 p.m.

Consideration of whether to authorize transmittal to the Senate Committee on Banking, Housing, and Urban Affairs of a letter providing the Commission's comments on S. 610, the "State and local Government Accounting and Financial Reporting Standards Act of 1981." The issues to be considered will include whether to express support for S. 610 as a significant step in ensuring adequate disclosure by state and local governments; and whether to express the opinion that the bill leaves open important issues that the Committee may wish to consider further, either in the context of this bill or in the future. For further information, please contact Alan Rosenblat at (202) 272-2428.

The following item will not be considered at a closed meeting scheduled for Thursday, June 18, 1981, following the 2:30 p.m. open meeting.

Report of investigation.

The following additional items will be considered at a closed meeting scheduled for Thursday, June 18, 1981, following the 2:30 p.m. open meeting.

Consideration of amici participation.

Chairman Shad and Commissioners Loomis, Evans, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272-2468.

June 17, 1981.

[S-958-81 Filed 6-18-81; 10:55 am]

**BILLING CODE 8010-01-M**



*[The page contains extremely faint, illegible text, likely bleed-through from the reverse side. The text is organized into three columns.]*



# Test Report Federal Register

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Monday  
June 22, 1981

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## Part II

### Department of Transportation

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Federal Aviation Administration

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Flammability Standards for Air Carrier  
Crewmember Clothing



January  
June 22, 1967

Part II

# Department of Transportation

Federal Aviation Administration

Regional Office for the Eastern  
Crowd Control Division

Report



## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Parts 121, 123, 127, and 135

[Docket No. 14451; Ref. Notice No. 75-13]

## Crewmember Clothing: Flammability Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

**SUMMARY:** This notice withdraws Advance Notice 75-13 published in the Federal Register March 13, 1975 (40 FR 11737). That advance notice considered the need to amend the Federal Aviation Regulations to include flammability standards for air carrier crewmember uniforms. This notice is being withdrawn in keeping with Executive Order 12291 because the record of this rulemaking fails to support further action on this subject.

## FOR FURTHER INFORMATION CONTACT:

William J. Sullivan, Chief, Safety Regulations Staff (AVS-20), Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 775-8714.

## SUPPLEMENTARY INFORMATION:

## Background

In 1975, the FAA issued Advance Notice 75-13 (40 FR 11737; March 13, 1975). This advance notice of proposed rulemaking announced that the FAA was "considering the need to amend Part 121 of the Federal Aviation Regulations to require that the clothing worn by the flight attendants required to be aboard passenger-carrying aircraft meet certain standards and specifications with respect to flammability." The advance notice presented eight specific questions on which interested persons were asked to comment. Based on the comments received and on research conducted by the National Bureau of Standards, the FAA determined that several important questions still needed to be resolved before a decision could be made on

whether to proceed with further rulemaking.

On April 18, 1980, the FAA issued Notice 75-13A (45 FR 27775; April 24, 1980). The notice expanded the area of consideration to all air carrier crewmember uniforms. The notice announced a public hearing May 28-29, 1980, and reopened the comment period until June 16, 1980. The preamble stated the purpose of this action was to invite interested persons to express their views "on the need for amending the Federal Aviation Regulations to include flammability standards for crewmember uniforms and the technical and economic factors that would be involved in implementing standards of this nature." Eight specific questions were presented and comments on them requested. Little concrete data were presented on these questions during the hearing. However, witnesses indicated that the June 16, 1980, date for submission of comments would not provide sufficient time to obtain the views of their constituents or to respond to the questions presented. After the hearing, the FAA received two written requests for extension of the comment period. On August 15, 1980, the FAA issued Notice 75-13B (45 FR 55760; August 21, 1980) reopening the comment period. Comments were due December 16, 1980.

## Reasons for the Decision

The advance notice was issued more than 6 years ago. The comments received then did not form a basis for further rulemaking. The FAA sponsored research into crewmember uniform flammability which also failed to support rulemaking. The FAA held a public hearing, asked specific questions, and requested specific answers with data to support them. The FAA reopened the comment period for 8 months to allow interested persons to submit the information and data requested. There is no proof that aviation safety regulations are needed in this area. There remains no clear definition of the fire hazard to be met, no verifiable data on injuries or death due to flammable uniforms, no agreement among the affected parties as to which crewmember uniforms should be required to meet standards, and no

consensus as to fabric durability, comfort, or adaptability to styling and tailoring. In addition, flight attendant unions who surveyed their members found that a majority of those responding are not willing to sacrifice style, comfort, or cleanability to obtain uniforms of higher flame resistance.

On February 17, 1981, the President issued Executive Order 12291 on "Federal Regulations" (46 FR 13193; February 19, 1981). Section 2 of the Executive Order specifies five general requirements for the rulemaking conducted by the Federal Government. These requirements will guide the Federal Aviation Administration rulemaking activity over the coming years.

The FAA lacks adequate information concerning the need for and consequences of this rulemaking. Based on the record of this proceeding and the requirements of Executive Order 12291, the rulemaking should be terminated.

## The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposals contained in the advance notice of proposed rulemaking now pending. Therefore, Advance Notice 75-13 (40 FR 11737; March 13, 1975) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject matter.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

**Note.**—The FAA has determined that this notice of withdrawal involves a rulemaking action which: (1) is not a "major rule" under Executive Order 12291; (2) is a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation because the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 8, 1981.

J. Lynn Helms,  
Administrator.

[FR Doc. 81-18348 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M







# Register Federal Paper

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Monday  
June 22, 1981

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## Part III

### Department of Transportation

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Federal Aviation Administration

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Limitations and Rest Requirements for  
Flight Crewmember Flight and Duty Time



Monday  
June 22, 1964

Part III

# Department of Transportation

Federal Aviation Administration

Regulations and Rules Requirements for  
Flight Crewmembers Flight and Duty Time

14 CFR 117.1



## DEPARTMENT OF TRANSPORTATION

## [14 CFR Parts 121 and 135]

[Docket No. 17669; Ref. Notice No. 78-3B]

Operations Review Program Notice  
No. 7: Flight Crewmember Flight and  
Duty Time Limitations and Rest  
RequirementsAGENCY: Federal Aviation  
Administration (FAA), DOT.ACTION: Withdrawal of notice of  
proposed rulemaking.

**SUMMARY:** This notice withdraws Supplemental Notice 78-3B published in the Federal Register on August 11, 1980 (45 FR 53316). That notice proposed to revise the flight and duty time limitations and rest requirements for flight crewmembers serving with domestic, flag, and supplemental air carriers, air taxi operators, and commercial operators. That notice is being withdrawn so the agency can develop a less complex proposal that complies with Executive Order 12291.

## FOR FURTHER INFORMATION CONTACT:

William J. Sullivan, Chief, Safety Regulations Staff (AVS-20), Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 775-8714.

## SUPPLEMENTARY INFORMATION:

## Background

Over the past several years, the FAA has grappled with the difficult issues related to revising the rules in Parts 121 and 135 of the Federal Aviation Regulations dealing with flight and duty time limitations and rest requirements for flight crewmembers serving with air carriers, air taxi operators, and commercial operators.

In 1977, the FAA issued Notice 77-17 (42 FR 43490; August 29, 1977) proposing an overall revision of the Part 135 rules for commuter air carriers, other air taxi operators, and commercial operators. This proposed revision included substantial changes to the flight and duty time limitations for flight crewmembers serving this segment of aviation. In 1978, the FAA issued Notice 78-3 (43 FR 8070; February 27, 1978) proposing substantial changes to the flight and duty time limitations and rest requirements for flight crewmembers serving with domestic, flag, and supplemental air carriers, commercial operators of large aircraft, and air travel clubs using large aircraft. Later that year, the FAA adopted a major revision of Part 135 (43 FR 46742; October 10, 1978). At that time, the FAA announced that the proposed new Part 135 rules on flight and duty time limitations for

commuter airlines, other air taxi operators, and commercial operators would be deferred until completion of the rulemaking proposed in Notice 78-3 for Part 121 air carriers and commercial operators. In 1980, the FAA issued Supplemental Notice 78-3B (45 FR 53316; August 11, 1980). This supplemental notice superseded the 1978 proposal (Notice 78-3) and proposed flight and duty time limitations for both Part 121 and Part 135 that would apply to domestic, flag, and supplemental air carriers, commuter airlines, other air taxi operators, and commercial operators. Initial comments were due December 10, 1980, and reply comments were due January 12, 1981.

The comments received on Notice 78-3B are extensive. Pilot unions argue that the proposals are too loosely drawn and would "require" them to work longer hours. Air carriers claim the proposals would be very expensive both in terms of initial and recurring costs and state the FAA has grossly underestimated those costs. Many operators charge the FAA has not and cannot identify any safety benefits that would result from the proposals. Commuter airlines object to being treated like the major airlines. Charter and on-demand carriers object to being treated like scheduled airlines. Helicopter operators claim the proposals ignore the unique operating characteristics of these aircraft. Alaskan operators claim the proposals ignore the character of operations in that state. Essentially, the proposals in Notice 78-3B are generally unacceptable to those interested persons who commented.

## Reasons for the Decision

During my preparation to assume the responsibilities of Federal Aviation Administrator, I asked the FAA staff to brief me on these regulatory proposals. Three facts are significant: *First*, both the existing and proposed rules reflect a level of complexity and detail that calls into question whether or not they represent an appropriate exercise of the safety regulatory responsibility of the FAA. *Second*, the rulemaking is as controversial as any that the FAA has undertaken. *Third*, the rulemaking for both large and small air carriers would have a heavy cost impact on the air carrier industry which is already suffering serious financial burdens.

Section 601(a)(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1421) requires me to issue "Reasonable rules and regulations governing, in the interest of safety, the maximum hours or periods of service of airmen, and other employees, of air carriers." This mandate has been the law of the land since 1938, when the Civil Aeronautics Act was passed. In the more than 40

years that have passed since then, the rules implementing that law have not changed in any fundamental way. The change in the aviation industry, on the other hand, has been vast and broad-based.

On February 17, 1981, the President issued Executive Order 12291 on "Federal Regulations" (46 FR 13193; February 19, 1981). Section 2 of the Executive Order specifies five general requirements for the rulemaking conducted by the Federal Government. These requirements will guide the Federal Aviation Administration rulemaking activity over the coming years.

Considering my statutory mandate and with Executive Order 12291 in mind, I have concluded that the pending rulemaking should be withdrawn. I have directed my staff to reassess the FAA safety role in this area. They are promptly to develop an alternative proposal which is both less complex and less burdensome. This alternative should properly execute the FAA responsibility for regulating safety in air transportation in this area and leave other issues to labor-management relations between flight crewmembers and air carriers.

## The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposals contained in the notice of proposed rulemaking now pending. Therefore, Notice No. 78-3B (43 FR 53316; August 11, 1980) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject matter.

(Secs. 313, 314, and 601 through 610, Federal Aviation Act of 1958 [49 U.S.C. 1354, 1355, and 1421 through 1430] and Sec. 6(c), Department of Transportation Act [49 U.S.C. 1055(c)])

**Note.**—The FAA has determined that this notice of withdrawal involves a rulemaking action which: (1) is not a "major rule" under Executive Order 12291; (2) is a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation because the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 8, 1981.

J. Lynn Helms,  
Administrator.

[FR Doc. 81-18347 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M







# Federal Register

Monday  
June 22, 1981

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## Part IV

### Federal Communications Commission

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Revision of Radio Control (R/C) Radio  
Service Rules Into Plain Language



# FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 95

[PR Docket No. 80-8; FCC 81-252]

### Personal Radio Service; Revision of the Radio Control (R/C) Radio Service Rules into Plain Language

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rules.

**SUMMARY:** The Commission adopted final rules revising the Radio Control (R/C) Radio Service Rules, into plain language. The Commission took this action to provide the public with simple and easy to read rules.

**EFFECTIVE DATE:** July 20, 1981, except for § 95.233 (R/C Rule 33) which is effective on July 1, 1982.

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

**FOR INFORMATION CONTACT:** John B. Johnston, FCC, Private Radio Bureau, Rules Division, Washington, D.C. 20554 (202) 632-4964.

#### SUPPLEMENTARY INFORMATION:

Adopted: May 21, 1981.

Released: June 8, 1981.

#### Plain Language R/C Radio Service Rules

In the Matter of Revision of the Radio Control (R/C) Radio Service Rules into plain language.

1. The Commission is adopting a plain language version of the current Radio Control (R/C) Radio Service Rules.<sup>1</sup> This action is part of a continuing effort to write personal radio service rules that are easy to read and understand.

2. On February 11, 1980, the Commission released a Notice of Proposed Rulemaking in PR Docket 80-8 proposing a simplified version of the current R/C Radio Service Rules (45 FR 10606; February 15, 1980).<sup>2</sup> We did not propose in that Notice to make any substantive changes in the current R/C Rules. We closely followed the innovative question and answer format of the CB Radio Service Rules.

3. About seven months were extended for public comment on the proposed rules. Two comments were filed. Both comments expressed favorable remarks about the proposed rules and suggested additional revisions. We have incorporated many of the suggestions in the comments in the final version of the R/C Rules we adopt today. The Academy of Model Aeronautics (AMA), an organization whose members are

users of the R/C Radio Service, submitted extensive comments. C. S. Hines of St. Albans, West Virginia, also filed comments on the proposed R/C Rules. We discuss below the significant changes (not minor editorial changes) that we have made in the R/C Rules we proposed.

4. We have made the following changes in the proposed version of the R/C Rules.

**R/C Rule 1.** We revised this rule so that it conforms with the descriptions in R/C Rule 20. We decline to use the phrase "for the control of" as suggested in the comments because we believe that the word "control" is of little value in defining a term which uses the same word.

**R/C Rule 2.** In subsection (a) of proposed R/C Rule 2, we added this sentence: "Every R/C station operating under a license (or other authorization) from the FCC must comply with these rules." This sentence provides a more logical response to the rule caption. We also defined the word "person" in subsection (c) and correspondingly deleted that definition from R/C Rule 41. We added subsection (d) to specify that the abbreviation "FCC" refers to the Federal Communications Commission.

**R/C Rule 3.** We added subsection (a) to the proposed rule. First, we state clearly that a user must have an R/C license before operating an R/C station. We then list those locations where you must have an R/C license to operate an R/C station.

**R/C Rule 7.** We added the words "If you have not sent your application to the FCC," to the last sentence in subsection (c) to make it clear that you may transmit without a new license *only* if you have sent in your renewal application. The proposed version was confusing on this point.

**R/C Rule 9.** We revised the proposed rule to clarify the distinction between "mailing address" and "station address." We replaced "United States" with the information in subsection (b) for clarity and accuracy.

**R/C Rule 12.** We revised subsection (b) to clarify that R/C operation from both a temporary (mobile) or fixed location is permissible even though the FCC licenses all R/C stations as mobile stations.

**R/C Rule 13.** We changed the format of the proposed rule so that it is easier to read. We changed the wording of subsection (a) to emphasize that the R/C license may have a form attached to it which the licensee should use for notifying the FCC of a name or address change.

**R/C Rule 14.** We organized this proposed rule into three subsections

which correspond with the three distinct prohibitions it contains.

**R/C Rule 15.** The order of subsections in this rule was reversed because location of an R/C station on land controlled by the Department of Defense is the more common situation. We disagree with the AMA that R/C Rules governing fixed operation should be placed in a special section at the end of the rules. Although fixed operation is rare among those licenses who use R/C frequencies to control model devices, we emphasize that the R/C Service is designed for uses in addition to control of model devices.

**R/C Rule 16.** We also reversed the order of the uses and available frequencies for R/C stations to reflect the general uses first and the limited uses last. Furthermore, we added the words "when your operation would cause harmful interference to the operation of other R/C stations." As the AMA comments point out, we inadvertently omitted this qualifying statement in the proposed rule. Without this statement, the proposed rule was significantly more restrictive than the current rules.

**R/C Rule 17.** We added the definition of "antenna" to this rule and deleted it from R/C Rule 41. We also distinguished the situations when the rule applied to an R/C station's antenna and when it did not.

**R/C Rule 18.** The proposed version of this rule has been substantially clarified through reorganized into shorter sentences. We also expressly state that changing plug-in modules, a common practice to change R/C frequencies, is not an internal modification within the meaning of this rule.

**R/C Rule 19.** The AMA suggested that we eliminate this proposed rule because over power operation has been a problem only in the voice communications services. We have retained it, however, because we think R/C users should be aware of these power limitations.

**R/C Rule 20.** We revised the diagram to clarify its meaning. We also added the definition of "one-way communications" to subsection (a) and deleted it from R/C Rule 41.

**R/C Rule 21.** This rule was revised to include prohibited activities contained in other rule sections.

**R/C Rule 23.** We reworded subsection (a) to clarify the intent and to make the rule more precise.

**R/C Rule 24.** We re-organized the contents of this rule into two paragraphs to improve clarity.

**R/C Rule 25.** Subsection (e) was revised to acknowledge that an

<sup>1</sup> 47 CFR § 95.201 *et seq.* (1977).

<sup>2</sup> 45 FR 10606 (1980).



unlicensed user may operate an R/C station under the license of a seller of R/C equipment for demonstration purposes only. A customer who purchases R/C equipment may not operate an R/C station under the seller's license. The AMA comments suggested that the proposed version of this rule did not clearly communicate this intent.

**R/C Rule 27.** We reworded this rule to simply answer the question posed in the rule caption.

**R/C Rule 28.** This rule was revised to include more information in an effort to be as descriptive as possible in a confusing area of the rules. The information was up-dated to account for changes that have occurred since we proposed the rule.

**R/C Rule 29.** We added the definition of "remote control" in subsection (c) and deleted it from R/C Rule 41. To aid R/C operators unfamiliar with technical terms, we added a sentence indicating the difference between remote control and wire line control.

**R/C Rule 34.** We up-dated this rule to reflect amendment of the Communications Act. We deleted the reference to Title 18 in proposed Subsection (a) because the comments pointed out that these penalties for transmission of obscene, indecent or profane language were inapplicable to a non-voice service.

**R/C Rule 37.** In subsection (d) we expressly state that test signals may be used to tune a receiver, in accordance with the AMA's suggestion.

**R/C Rule 38.** Subsection (c) was added to this rule to refer specifically to modules. We clearly state that changing a plug-in module is not an illegal modification of an R/C transmitter.

**R/C Rule 39.** This rule was revised to include the statement that both an R/C station and R/C station records must be made available for inspection upon request by the FCC. The reference to station records had been in R/C Rule 40. It makes more sense to include it in R/C Rule 39.

**R/C Rule 41.** We deleted this proposed rule. We decided to define the key words where they appear in the rules.

**R/C Rule 42 and 43.** The information in these rules has been up-dated.

#### *Amendment of Part 95, Subpart E, Technical Regulations*

5. The current R/C Rules contain technical information in Rule Section 95.237(b) that is important for manufacturers of R/C equipment but has little meaning for users. In the Notice, we proposed to relocate the contents of § 95.237(b) relating to antenna limitations to the Technical Regulations,

Part 95, Subpart E, Rule Section 95.618. We received no adverse comment on this proposal and we adopt it.

6. In view of the foregoing, it is ordered, That pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the plain language R/C Radio Service Rules, as they appear in Appendix I, and the Technical Regulations of Subpart E, Appendix II, are amended. This action terminates PR Docket 80-8. The plain language R/C Rules, except for R/C Rule 33, are effective July 20, 1981. Because R/C Rule 33 requires R/C licensees to have a copy of the Rules, it is necessary to allow time for printing and distribution. Therefore, R/C Rule 33 will become effective on July 1, 1982. For information, contact John B. Johnston, 2025 M Street, NW., Washington, DC 20554, (202) 632-4964.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

#### Appendix I

47 CFR Part 95 is amended as follows:  
Subpart C is completely revised:

#### **PART 95—PERSONAL RADIO SERVICES**

##### **Subpart C—Radio Control (R/C) Radio Service**

##### **General Information on the R/C Service**

Sec.

95.201 (R/C Rule 1) What is the Radio Control (R/C) Radio Service?

95.202 (R/C Rule 2) How do I use these rules?

95.203 (R/C Rule 3) Do I need a license?

95.204 (R/C Rule 4) Am I eligible to get an R/C license?

##### **How To Apply for Your R/C License**

95.205 (R/C Rule 5) How do I apply for an R/C license?

95.206 (R/C Rule 6) May I operate my R/C station while my application is being processed?

95.207 (R/C Rule 7) How do I renew my R/C license?

95.208 (R/C Rule 8) How does a corporation holding an R/C license apply for consent to transfer control of the corporation?

95.209 (R/C Rule 9) What address do I put on my application?

95.210 (R/C Rule 10) How do I sign my R/C license application?

95.211 (R/C Rule 11) How long is my license term?

95.212 (R/C Rule 12) What kind of operation does my license allow?

95.213 (R/C Rule 13) What must I do if my name or address changes?

Sec.

95.214 (R/C Rule 14) May I transfer my R/C license to another person?

95.215 (R/C Rule 15) Are there any special restrictions on the location of my R/C station?

##### **How To Operate an R/C Station**

95.216 (R/C Rule 16) On what channels may I operate?

95.217 (R/C Rule 17) How high may I put my antenna?

95.218 (R/C Rule 18) What equipment may I use at my R/C station?

95.219 (R/C Rule 19) How much power may I use?

95.220 (R/C Rule 20) What communications may I transmit?

95.221 (R/C Rule 21) What communications are prohibited?

95.222 (R/C Rule 22) May I be paid to use my R/C station?

95.223 (R/C Rule 23) Who may operate under my license?

95.224 (R/C Rule 24) Who is responsible for transmissions made under the authority of my license?

95.225 (R/C Rule 25) Who must not operate under my license?

95.226 (R/C Rule 26) Do I have to limit the length of my communications?

95.227 (R/C Rule 27) Do I identify my R/C communications with my FCC call sign?

95.228 (R/C Rule 28) Where may I operate my R/C station?

95.229 (R/C Rule 29) May I operate my R/C transmitter by remote control?

##### **Other Things You Need to Know**

95.230 (R/C Rule 30) How long must I keep my license?

95.231 (R/C Rule 31) Where must I keep my license?

95.232 (R/C Rule 32) What do I do if I lose my license?

95.233 (R/C Rule 33) Do I need to have a copy of the R/C Rules?

95.234 (R/C Rule 34) What are the penalties for violating these rules?

95.235 (R/C Rule 35) How do I answer discrepancy notices?

95.236 (R/C Rule 36) What must I do if the FCC tells me that my R/C station is causing interference?

95.237 (R/C Rule 37) How do I have my R/C transmitter serviced?

95.238 (R/C Rule 38) May I make any changes to my R/C transmitter?

95.239 (R/C Rule 39) Do I have to make my R/C station available for inspection?

95.240 (R/C Rule 40) What are my station records?

95.241 (R/C Rule 41) Where do I get FCC application forms?

95.242 (R/C Rule 42) How do I contact the FCC?

95.243 (R/C Rule 43) Where are the FCC Field Offices located?

##### **General Information on the R/C Service**

§ 95.201 (R/C Rule 1) What is the Radio Control (R/C) Radio Service?

The R/C Service is a private, one-way, short distance, non-voice



communications service for the operation of devices at remote locations.

**§ 95.202 (R/C Rule 2) How do I use these rules?**

(a) Read and obey these rules. Every R/C station operating under a license (or other authorization) from the FCC must comply with these rules. (See R/C Rule 34 for the penalties for violations of these rules.)

(b) Where the rules use the word "you", "you" means:

- (1) An applicant;
  - (2) A licensee;
  - (3) An individual holding a valid STA (special temporary authority); or
  - (4) A person operating an R/C station.
- (c) Where the rules use the word "person," the rules are concerned with any person, including an individual, a corporation, a partnership, association, joint stock company, or a trust.

(d) Where the Rules use the term FCC, that means the Federal Communications Commission.

**§ 95.203 (R/C Rule 3) Do I need a license?**

(a) You must get FCC R/C station authority before your station may transmit in the R/C Service from:

- (1) Within or over the territorial limits of places where radio services are regulated by the FCC (see R/C Rule 28);
- (2) Aboard any vessel or aircraft registered in the United States; or
- (3) Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company.

(b) You must have authority from the FCC as follows:

*An individual must:*

- Get an R/C license from the FCC; or
- Operate an R/C transmitter under the authority of another person's license. (See R/C Rule 23)

*An association, partnership, corporation, or governmental unit must:*

- Get an R/C license from the FCC; or
- Request, receive, and comply with a special temporary authority or other special authorization from the FCC.

**§ 95.204 (R/C Rule 4) Am I eligible to get an R/C license?**

(a) You are eligible for an R/C license if—

<i>You are</i>	<i>And you are not</i>
An individual, and you are twelve years old or older;	
A partnership, and each partner is twelve years old or older;	
A corporation;	A foreign government
An association;	A representative of a foreign government or
A state, territorial or local governmental unit; or	A federal government agency
Other legal entity	

(b) You may not have more than one R/C license at any one time.

(c) Any agency operating under the authority of an eligible governmental unit, including an authorized Civil Defense agency, is also eligible for an R/C license.

(d) A subsidiary or division of a corporation is not eligible for its own R/C license unless the subsidiary or division is separately incorporated.

**How to Apply for Your R/C License**

**§ 95.205 (R/C Rule 5) How do I apply for an R/C license?**

(a) You apply for an R/C license by filling out an application (FCC Form 505) and sending it to the FCC, Gettysburg, Pa. 17326.

(b) You can get applications from the FCC; Washington, D.C. 20554 or from any FCC field office. (A list of FCC field offices is contained in R/C Rule 44. R/C equipment dealers also have application forms.)

(c) If you have questions about your application, you should write to the FCC, Gettysburg, Pa. 17326.

(d) If your application is not completely filled out, if you do not make the necessary certifications, or if you do not include all necessary information with your application, the FCC may return your application.

**§ 95.206 (R/C Rule 6) May I operate my R/C station while my application is being processed?**

(a) You must not operate your R/C station until you have received your R/C license.

(b) If you are renewing your license, and you have sent your application before your R/C license expires, you may continue to operate under that license until the FCC acts on your application. You should keep a copy of the application you sent to the FCC.

**§ 95.207 (R/C Rule 7) How do I renew my R/C license?**

(a) You renew your R/C license in the same way that you apply for a new R/C license. You should allow at least sixty days for the FCC to act on your application.

(b) If you send your application before your license expires, you may continue to operate under that license until the FCC acts on your application. You should keep a copy of the application you sent to the FCC.

(c) You must stop transmitting as soon as your license expires, unless you have already sent your renewal application to

the FCC. If you have not sent your renewal application to the FCC, you must not begin transmitting again until you have received a new license from the FCC.

**§ 95.208 (R/C Rule 8) How does a corporation holding an R/C license apply for consent to transfer control of the corporation?**

(a) If a corporation holds an R/C license, it must obtain written permission from the FCC before it transfers control of the corporation if it wishes the new corporation to be able to operate under its R/C license.

(b) A request for this consent must be made on FCC Form 703, and must be sent to FCC, Gettysburg, Pa. 17326.

(c) This authority must be kept in the station records (See R/C Rule 40).

**§ 95.209 (R/C Rule 9) What address do I put on my application?**

(a) You must include on your R/C license application:

- (1) Your current mailing address (The place where you receive your mail); and
- (2) Your R/C station address. (The place where you will most often operate your R/C station.)

(b) Your mailing address and your station address must be places where land mobile radio services are regulated by the FCC (See R/C Rule 28).

**§ 95.210 (R/C Rule 10) How do I sign my R/C license application?**

(a) If you are an individual, you must sign your own application personally.

(b) If you are not an individual, you must sign your application as follows:

<i>Applicant</i>	<i>Signature</i>
Partnership.....	A partner.
Corporation.....	An officer or employee.
Association.....	An officer.
Governmental unit.....	An official.

(c) If the FCC requires you to submit additional information, you must sign it in the same way you signed your application.

(d) If you willfully make a false statement on your application, you may be punished by fine, imprisonment and revocation of your station license.

**§ 95.211 (R/C Rule 11) How long is my license term?**

Your R/C license term is usually five years. The expiration date is printed on the license.

**§ 95.212 (R/C Rule 12) What kind of operation does my license allow?**

(a) You must obey all the conditions and terms of your license.



(b) You may operate your R/C station at a temporary or fixed location. (The FCC licenses all R/C stations as mobile stations. Mobile station means an R/C station operated at a temporary location or in a moving vehicle.)

(c) Your R/C license allows you to operate with up to 25 transmitters. To use more than 25 transmitters, you must request and receive written permission from the FCC, Gettysburg, Pa. 17326. Attach a letter to your application explaining why you need more than 25 transmitters and how you will control the operation of the transmitters.

(d) You must keep a copy of the permission in your station records (See R/C Rule 40).

**§ 95.213 (R/C Rule 13) What must I do if my name or address changes?**

(a) If your name, station address, or mailing address changes, you must inform the FCC, Gettysburg, Pa. 17326. (Your R/C license may have a form attached to it which you can use for this notice. It may also be in letter form.) Your notice must include:

- (1) The name and address as it appears on your license;
- (2) The new name or new address; and
- (3) Your call sign.

(b) You must keep a copy of this notice in your station records. (See R/C Rule 40.)

(c) If you hold an R/C license, and then incorporate, form a new partnership; or form a new association, you must apply for a new R/C license.

**§ 95.214 (R/C Rule 14) May I transfer my R/C license to another person?**

(a) You cannot transfer, assign, sell, or give your R/C license or its operating authority to another person. (Corporations see R/C Rule 8).

(b) If you sell or give your R/C transmitter to another person, you must not transfer your R/C license with the transmitter. The new owner of the R/C transmitter must obtain an R/C license, or other authority, from the FCC in his or her own name or qualify to operate under R/C Rule 23 before he or she can operate the transmitter.

(c) You must not let anyone who is not listed in R/C Rule 23 operate under your license.

**§ 95.215 (R/C Rule 15) Are there any special restrictions on the location of my R/C station?**

(a) If your R/C station is located on premises controlled by the Department of Defense, you may be required to comply with additional regulations imposed by the commanding officer of the installation.

(b) If your R/C station will be constructed on land of environmental or historical importance (such as a location significant in American history, architecture or culture), you may be required to provide additional information with your license application and to comply with § 1.1305-1.1319 of the FCC's Rules.

**How To Operate an R/C Station**

**§ 95.216 (R/C Rule 16) On what channels may I operate?**

(a) Your R/C station may transmit only on the following channels (frequencies):

Mega-hertz	To operate
26.995	Any kind of device (any object or apparatus, except an R/C transmitter.)
27.045	
27.095	
27.145	
27.195	
27.255	A model craft device (any small imitation of an aircraft, boat, car or any type of vehicle for carrying people or objects.)
26.995	
27.045	
27.095	
27.145	
27.195	A model aircraft device (any small imitation of an aircraft.)
27.255	
72.16	
72.32	
72.96	
26.995	
27.045	
27.095	
27.145	
27.195	
27.255	
72.08	
72.16	
72.24	
72.32	
72.40	
72.96	
75.64	

(b) You must share the channels with other R/C stations. You must cooperate in the selection and use of the channels. You must share the channel 27.255 MHz with stations in other radio services. There is no protection from interference on any of these channels.

(c) Your R/C station may not transmit simultaneously on more than one channel in the 72-76 MHz band when your operation would cause harmful interference to the operation of other R/C stations.

(d) Your R/C station must stop transmitting if it interferes with:

- (1) Remote control of industrial equipment operating on or adjacent to 72.16, 72.32 and 72.96 MHz, or
- (2) The reception of television on TV channels 4 or 5.

**§ 95.217 (R/C Rule 17) How high may I put my antenna?**

(a) "Antenna" means the radiating system (for transmitting, receiving or both) and the structure holding it up (tower, pole or mast). It also means

everything else attached to the radiating system and the structure.

(b) If your antenna is mounted on a hand-held portable unit, none of the following limitations apply.

(c) If your antenna is installed at a fixed location, it (whether receiving, transmitting or both) must comply with either one of the following:

(1) The highest point must not be more than 6.10 meters (20 feet) higher than the highest point of the building or tree on which it is mounted; or

(2) The highest point must not be more than 18.3 meters (60 feet) above the ground.

(d) If your R/C station is located near an airport, and if your antenna structure is more than 6.1 meters (20 feet) high, you may have to obey additional restrictions. The highest point of your antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between your antenna and the airport runway may complicate this formula. If your R/C station is near an airport, you may contact the FCC for a worksheet to help you figure the maximum allowable height for your antenna. Consult Part 17 of the FCC's Rules for more information.

**WARNING: INSTALLATION AND REMOVAL OF R/C STATION ANTENNAS NEAR POWERLINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIRECTIONS INCLUDED WITH YOUR ANTENNA.**

**§ 95.218 (R/C Rule 18) What equipment may I use at my R/C station?**

(a) Your R/C station may transmit only with

(1) An FCC type accepted (or type approved) R/C transmitter (Type accepted means the FCC has determined that certain radio equipment is capable of meeting recommended standards for operation); or

(2) a non-type accepted R/C transmitter on channels 26.995-27.255 MHz, if:

- (i) It is "crystal controlled", and
- (ii) It complies with the technical standards (See Part 95(c)).

(b) You may examine a list of type accepted transmitters at any FCC field office.

(c) Your R/C station may transmit with a transmitter assembled from a kit.

(d) You must not make, or have made, any internal modification to a type-accepted transmitter. Any internal modification to a type-accepted transmitter cancels the type-acceptance.



(e) Internal modification does not mean:

(1) Repair or servicing of an R/C station transmitter (See R/C Rule 37);  
nor

(2) Changing plug-in modules which were type accepted as part of your R/C transmitter.

**§ 95.219 (R/C Rule 19) How much power may I use?**

Your R/C transmitter power output must not exceed the following values under any conditions:

Channels	Transmitter Power (carrier power)
27.255 MHz	25 watts.
26.995-27.195 MHz	4 watts.
72.08-75.64 MHz	0.75 watts.

**§ 95.220 (R/C Rule 20) What communications may I transmit?**

(a) You may only use your R/C station to transmit one-way communications. (One-way communications are transmissions which are not intended to establish communications with another station.)

(b) You may only use your R/C station for the following purposes:

(1) The operator turns on and/or off a device at a remote location. (Refer to diagram 1.);

(2) A sensor at a remote location turns on and/or off an indicating device for the operator. (Refer to Diagram 2.) Only channels 26.995 to 27.255 MHz (see R/C Rule 16) may be used for this purpose. (A remote location means a place distant from the operator).

(c) Your R/C station may only transmit:

(1) Amplitude tone modulated emissions (A9);

(2) Unmodulated on-off emissions (A9).

BILLING CODE 6712-01-M



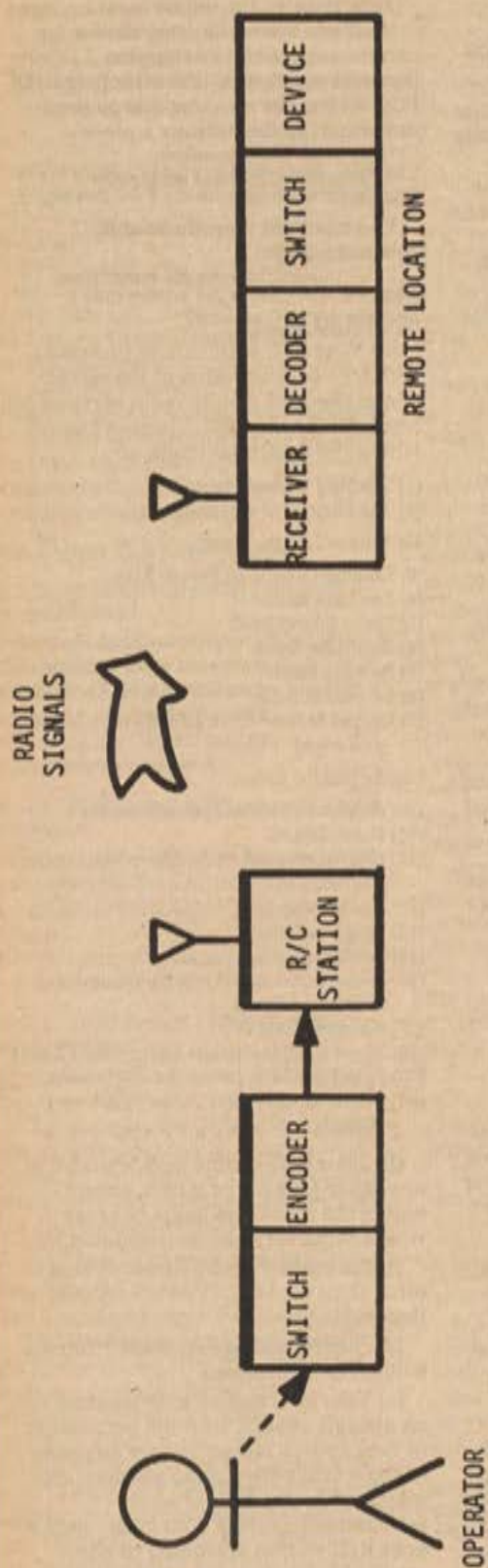


DIAGRAM 1. REFER TO R/C RULE 20(b)(1).

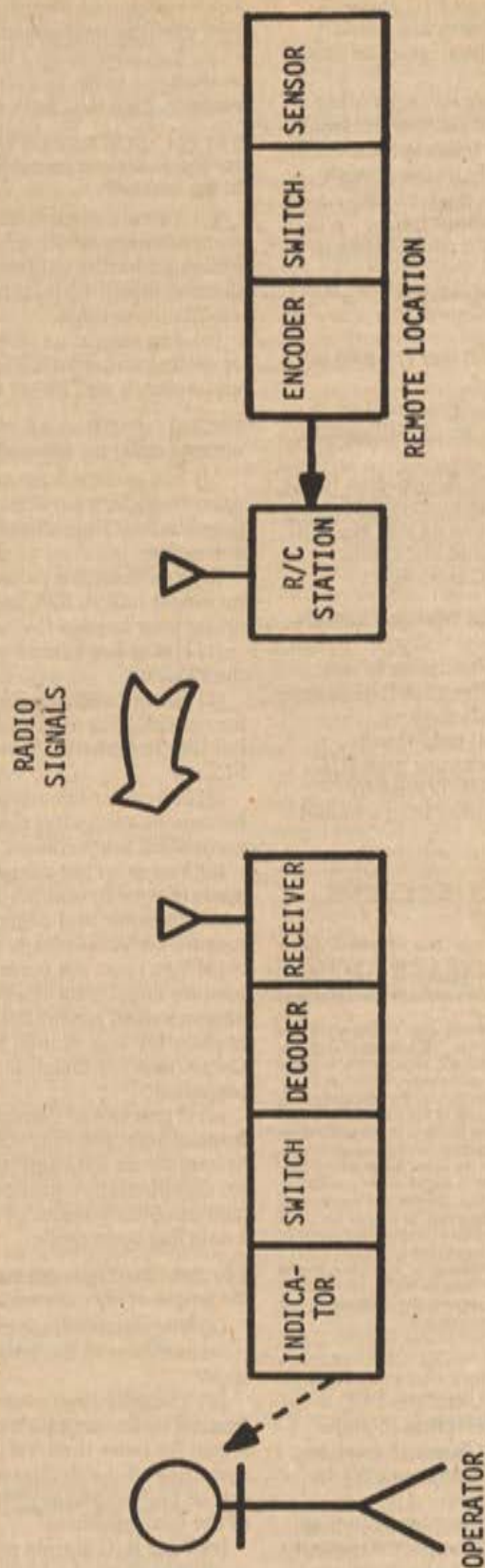


DIAGRAM 2. REFER TO R/C RULE 20(b)(2).



**§ 95.221 (R/C Rule 21) What communications are prohibited?**

You must not use an R/C station—

(a) In connection with any activity which is against federal, state or local law;

(b) To transmit any message other than for operation of devices at remote locations (no voice, telegraphy, etc.); or

(c) To intentionally interfere with another station's transmissions.

(d) To operate another R/C transmitter by remote control (See R/C Rule 29).

(e) To transmit two-way communications.

**§ 95.222 (R/C Rule 22) May I be paid to use my R/C station?**

(a) You may not accept direct or indirect payment for transmitting with an R/C station.

(b) You may use an R/C station to help you provide a service, and be paid for that service, as long as you are paid only for the service and not for the actual use of the R/C station.

**§ 95.223 (R/C Rule 23) Who may operate under my license?**

(a) You may permit anyone to use your R/C station under your R/C license to operate model craft devices.

(b) You may permit only those persons listed below to use your R/C station under your R/C license to operate any device other than a model craft.

If you are	The authorized users are
Individual	<p>..... Yourself.</p> <p>..... Members of your immediate family living in your household. Each of your Employees as long as his or her transmissions concern your business.</p>
Partnership	<p>..... Each Partner and Employee of the partnership, as long as his or her transmissions concern the business of the partnership.</p>
Association	<p>..... Each Member of the association as long as his or her transmissions concern the business of the association.</p> <p>..... Each Employee of the association, as long as his or her transmissions concern the business of the association.</p>
Corporation	<p>..... Each Officer, Director and Employee of the corporation, as long as his or her transmissions concern the business of the corporation.</p>
Governmental unit	<p>..... Each Employee of the governmental unit, as long as his or her transmissions concern the business of the governmental unit.</p>

(c) Someone else may use your R/C station if you request, and the FCC grants, special authorization to allow operation under your license where he or she would not otherwise qualify to operate your R/C station.

(d) If you are a corporation, you may, upon request and FCC approval, permit your parent corporation or subsidiary to provide you with a private

radiocommunications service under your license if the subsidiary or parent corporation provides the service on a non-profit or cost-sharing basis.

(e) You must keep a list of all authorized users as part of your station records. (See R/C Rule 40.)

**§ 95.224 (R/C Rule 24) Who is responsible for transmissions made under the authority of my license?**

(a) You are responsible for all transmissions which are made by you or others under the authority of your license, including transmissions which violate these rules.

(b) You should be certain that anyone operating under your license understands and obeys the rules.

**§ 95.225 (R/C Rule 25) Who must not operate under my license?**

(a) You must not permit anyone to operate under your license who is not listed in R/C Rule 23 except in an emergency.

(b) You must not permit anyone who no longer has an R/C license to operate under your license if—

(1) His or her license was revoked by the FCC; or

(2) His or her license was surrendered for cancellation after notice of apparent liability for forfeiture was served by the FCC; or

(3) His or her license was surrendered for cancellation after the FCC instituted revocation proceedings.

(c) You must not permit anyone to operate your R/C station if the FCC has issued a cease and desist order to that person, and the order is still in effect.

(d) You must not permit anyone to operate under your license if that person's most recent R/C license application was denied by the Commission or dismissed with prejudice.

(e) If you sell or demonstrate R/C transmitters, you may allow a customer to operate an R/C unit prior to sale only for demonstration purposes. A customer cannot operate under your license after a sale has been made.

**§ 95.226 (R/C Rule 26) Do I have to limit the length of my communications?**

(a) You must limit your R/C transmissions to the minimum practical time.

(b) The only time your R/C transmissions may be a continuous signal for more than 3 minutes is when operation of the device requires at least one or more changes during each minute of the transmissions.

(c) Your R/C station may transmit a continuous signal without modulation only if:

(1) you are using it to operate a model aircraft device; and

(2) the presence or absence of the signal operates the device.

(d) If you show that you need a continuous signal to insure the immediate safety of life or property, the FCC may make an exception to the limitations in this rule.

**§ 95.227 (R/C Rule 27) Do I identify my R/C communications with my FCC call sign?**

You need not identify your R/C communications.

**§ 95.228 (R/C Rule 28) Where may I operate my R/C station?**

(a) Your R/C station may transmit within or over any area of the world where the land mobile radio services are regulated by the FCC. Those areas are within the territorial limits of:

- (1) The fifty United States
- (2) The District of Columbia
- Caribbean insular areas
- (3) Commonwealth of Puerto Rico
- (4) Navassa Island
- (5) Quita Sueno Bank
- (6) Roncador Bank
- (7) Serrana Bank
- (8) Serranilla Bank
- (9) United States Virgin Islands (50 islands and cays)

**Pacific insular areas**

- (10) American Samoa (seven islands)
- (11) Baker Island
- (12) Commonwealth of Northern Marianas Islands
- (13) Guam Island
- (14) Howland Island
- (15) Jarvis Island
- (16) Johnston Island (inlets East, Johnston, North and Sand)
- (17) Kingman Reef
- (18) Midway Island (islets Eastern and Sand)
- (19) Palmyra Island (more than 50 islets)
- (20) Wake Island (islets Peale, Wake and Wilkes)

(b) Your R/C station may transmit in any other area of the world, except within the territorial limits of areas where radio services are regulated by—

(1) An agency of the United States other than the FCC. (You are subject to their rules.)

(2) Any foreign government. (You are subject to their rules.)

(c) Your R/C station may transmit on an aircraft or ship, with the permission of the captain, within or over any area of the world where radio services are regulated by the FCC or over international waters. You must operate your R/C station according to any applicable treaty to which the United States is a party.



**§ 95.229 (R/C Rule 29) May I operate my R/C transmitter by remote control?**

(a) You may not operate an R/C transmitter by radio remote control. (See R/C Rule 21.)

(b) You may operate an R/C transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control. Send your request and justification to FCC, Gettysburg, Pa. 17326. If you receive FCC approval, you must keep the approval as part of your station records. (See R/C Rule 40.)

(c) Remote Control means operation of an R/C transmitter from any place other than the location of the R/C transmitter. Direct mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicle as the R/C transmitter is not considered remote control.

**Other Things You Need To Know****§ 95.230 (R/C Rule 30) How long must I keep my license?**

You must keep your license (or other authorization) until it expires or until it is terminated. If you no longer want it, you should send it to the FCC, Gettysburg, Pa. 17326. Include instructions to cancel it.

**§ 95.231 (R/C Rule 31) Where must I keep my license?**

(a) You must keep your license (or other authorization) in your station records (R/C Rule 40) or post it at your station.

(b) You may photocopy your license for any lawful purpose.

**§ 95.232 (R/C Rule 32) What do I do if I lose my license?**

If you lose your license, you must request a duplicate license from the FCC, Gettysburg, Pa. 17326. Your request must include your name, your current address and your station call sign. (Also include your old address if you moved after you were licensed.)

**§ 95.233 (R/C Rule 33) Do I need to have a copy of the R/C Rules?**

(a) You must keep a current copy of the R/C Rules in your station records (See R/C Rule 40). The R/C Rules are published periodically by the Government Printing Office.

(b) You must stay up to date with changes to the R/C Rules. Changes to the R/C Rules are found in the Federal Register and in other publications.

(c) Your R/C station must comply with technical rules found in Subpart E of Part 95, but you do not have to keep those rules in your station records.

**§ 95.234 (R/C Rule 34) What are the penalties for violating these rules?**

(a) If the FCC finds that you have willfully or repeatedly violated the Communications Act or the FCC Rules, you may have to pay as much as \$2,000 for each violation, up to a total of \$5,000. (See Section 503(b) of the Communications Act.)

(b) If the FCC finds that you have willfully or repeatedly violated the Communications Act or FCC Rules, it may revoke your R/C license. (Other grounds for revoking an R/C license are listed in Section 312(a) of the Communications Act.)

(c) If the FCC finds that you have violated any section of the Communications Act, or the FCC Rules, you may be ordered to stop whatever action caused the violation. (See Section 312(b) of the Communications Act.)

(d) If a federal court finds that you have willfully and knowingly violated any FCC Rule, you may be fined up to \$500 for each day you committed the violation. (See Section 502 of the Communications Act.)

(e) If a federal court finds that you have willfully and knowingly violated any provision of the Communications Act, you may be fined up to \$10,000, or you may be imprisoned for one year, or both. (See Section 501 of the Communications Act.)

**§ 95.235 (R/C Rule 35) How do I answer discrepancy notices?**

(a) If it appears to the FCC that you have violated the Communications Act or these rules, the FCC may send you a discrepancy notice.

(b) Within the time period stated in the notice, you must answer with:

- (1) A complete written statement about the apparent discrepancy;
- (2) A complete written statement about any action you have taken to correct the apparent violation and to prevent it from happening again; and
- (3) The name and station call sign of the person operating at the time of the apparent violation.

(c) You must not shorten your answer by references to other communications or notices.

(d) You must send your answer to the office of the FCC which sent you the notice.

(e) You must keep a copy of your answer in your station records (See R/C Rule 40).

**§ 95.236 (R/C Rule 36) What must I do if the FCC tells me that my R/C station is causing interference?**

(a) If the FCC tells you that your R/C station is causing interference for technical reasons you must follow all

instructions in the official FCC notice. (This notice may require you to have technical adjustments made to your equipment.)

(b) You must comply with any restricted hours of R/C station operation which may be included in the official FCC notice.

**§ 95.237 (R/C Rule 37) How do I have my R/C transmitter serviced?**

(a) You may adjust your own antenna to your R/C transmitter and you may make radio checks. (A radio check means a one way transmission for a short time in order to test the transmitter.)

(b) Each internal repair and each internal adjustment to your FCC type accepted R/C transmitter (See R/C Rule 18) must be made by, or under the direct supervision of, a person holding a first- or second-class commercial radiotelephone operator license.

(c) Except as provided in paragraph (d) of this section, each internal repair and each internal adjustment of an R/C transmitter in which signals are transmitted must be made using a nonradiating ("dummy") antenna.

(d) Brief test signals using a radiating antenna may be transmitted in order to:

- (1) Adjust a transmitter to an antenna;
- (2) Detect or measure radiation of energy other than the intended signal. (Not longer than one minute during any five minute period);
- (3) Tune a receiver to your R/C transmitter.

**§ 95.238 (R/C Rule 38) May I make any changes to my R/C transmitter?**

(a) You must not make or have anyone else make any internal modification to your R/C transmitter. Internal modification does not mean repair or servicing of the R/C transmitter.

(b) You must not operate an R/C transmitter which has been modified by anyone in any way, including modification to operate on unauthorized frequencies or with illegal power.

(c) Removing and inserting a plug-in module that is part of a type accepted R/C transmitter is not a modification.

**§ 95.239 (R/C Rule 39) Do I have to make my R/C station available for inspection?**

(a) If an authorized FCC representative requests to inspect your R/C station, you must make your R/C station and records available for inspection.

(b) An R/C station includes all of the radio equipment you use.



**§ 95.240 (R/C Rule 40) What are my station records?**

Your station records include the following documents, as applicable:

- (a) Your license. (See R/C Rule 31).
- (b) A current copy of the R/C Rules. (See R/C Rule 33).
- (c) A list of authorized users of your R/C station. (See R/C Rule 23).
- (d) A copy of each notice telling the FCC of your name or address change. (See R/C Rule 13).
- (e) A copy of each response to an FCC violation notice. (See R/C Rule 35).
- (f) Each written permission received from the FCC. (See R/C Rules 8, 12, 29, 32).

**§ 95.241 (R/C Rule 41) Where do I get FCC application forms?**

You can get FCC application forms from any FCC field office or from the FCC, Washington, DC 20554. See R/C Rule 43 for a list of FCC field offices.

**§ 95.242 (R/C Rule 42) How do I contact the FCC?**

- (a) Write to your nearest FCC Field Office listed in R/C Rule 43 if you:
  - (1) Need an R/C application form;
  - (2) Want to report an interference complaint;
  - (3) Want to know if the FCC has type-accepted a transmitter for R/C.
- (b) Write to the FCC, Gettysburg, Pa., 17326 if you:
  - (1) Are filing an R/C application;
  - (2) Are notifying the FCC of your new name or address;
  - (3) Are requesting consent to transfer control of a corporation;
  - (4) Are requesting permission to use more than 25 transmitters;
  - (5) Are requesting a duplicate R/C license (See R/C Rule 32);
  - (6) Have questions about your R/C application or the R/C Rules.

**§ 95.243 (R/C Rule 43) Where are the FCC field offices located?**

Anchorage District Office, Engineer In Charge, Federal Communications Commission, 1011 E. Tudor Rd., Room 240, P.O. Box 2955, Anchorage, Alaska 99510 (907) 276-7455 (907) 276-5255<sup>1</sup>

Atlanta District Office, Engineer In Charge, Federal Communications Commission, Room 440, Massell Building, 1365 Peachtree Street, NE, Atlanta, Georgia 30309 (404) 881-3084/5 (404) 881-7381<sup>1</sup>

Baltimore District Office, Engineer In Charge, Federal Communications Commission, 1017 Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201 (301) 962-2728/9 (301) 962-2727<sup>1</sup>

Beaumont Office, Engineer In Charge, Federal Communications Commission, Jack Brooks Federal Building, Rm. 323, 300 Willow Street, Beaumont, Texas 77701 (713) 838-0271

Boston District Office, Engineer In Charge, Federal Communications Commission, 1600 Customhouse, 165 State Street,

Boston, Massachusetts 02109 (617) 223-6609 (617) 223-0689 (617) 223-6607/8<sup>1</sup>

Buffalo District Office, Engineer In Charge, Federal Communications Commission, 1307 Federal Building, 111 West Huron Street, Buffalo, New York 14202 (716) 846-4511/2 (716) 856-5950<sup>1</sup>

Chicago District Office, Engineer In Charge, Federal Communications Commission, 230 S. Dearborn St., Room 3935, Chicago, Illinois (312) 353-0195/6 (312) 353-0197<sup>1</sup>

Cincinnati Office, Engineer In Charge, Federal Communications Commission, 8620 Winton Road, Cincinnati, Ohio 45231 (513) 521-1790 (513) 521-1716<sup>1</sup>

Dallas District Office, Engineer In Charge, Federal Communications Commission, Earle Cabell Federal Building, U.S. Courthouse, Room 13E7, 1100 Commerce Street, Dallas, Texas 75242 (214) 767-0761 (214) 767-0764<sup>1</sup>

Denver District Office, Engineer In Charge, Federal Communications Commission, 12477 W. Cedar Drive, Denver, Colorado 80228 (303) 837-5137/8 (303) 837-4053<sup>1</sup>

Detroit District Office, Engineer In Charge, Federal Communications Commission, 1054 Federal Building, 231 W. LaFayette Street, Detroit, Michigan 48226 (313) 226-6078/9 (313) 226-6077<sup>1</sup>

Honolulu District Office, Engineer In Charge, Federal Communications Commission, Prince Kuhio Federal Bldg., 300 Ala Moana Blvd., Room 7304, P.O. Box 50023, Honolulu, Hawaii 96850 (808) 546-5640

Houston District Office, Engineer In Charge, Federal Communications Commission, New Federal Office Building, 515 Rusk Ave., Room 5636, Houston, Texas 77002 (713) 226-5624 (713) 226-4306<sup>1</sup>

Kansas City District Office, Engineer In Charge, Federal Communications Commission, Brywood Office Tower, Room 320, 8800 East 63rd Street, Kansas City, Missouri 64133 (816) 926-5111 (816) 356-4050

Long Beach District Office, Engineer In Charge, Federal Communications Commission, 3711 Long Beach Blvd., Room 501, Long Beach, California 90807 (213) 426-4451 (213) 426-7886<sup>1</sup> (213) 426-7955<sup>1</sup>

Miami District Office, Engineer In Charge, Federal Communications Commission, 51 S.W. First Ave., Room 919, Miami, Florida 33130 (305) 350-5542 (305) 350-5541<sup>1</sup>

New Orleans District Office, Engineer In Charge, Federal Communications Commission, 1007 F. Edward Hebert Federal Bldg., 600 South Street, New Orleans, Louisiana 70130 (504) 589-2095/6 (504) 589-2094<sup>1</sup>

New York District Office, Engineer In Charge, Federal Communications Commission, 201 Varick Street, New York, New York 10014 (212) 620-3437/8 (212) 620-3435<sup>1</sup> (212) 620-3436<sup>1</sup>

Norfolk District Office, Engineer In Charge, Federal Communications Commission, Military Circle, 870 N. Military Highway, Norfolk, Virginia 23502 (804) 441-6472 (804) 461-4000<sup>1</sup>

Philadelphia District Office, Engineer In Charge, Federal Communications Commission, 1 Oxford Valley Office Bldg., Rm. 404, 2300 E. Lincoln Highway,

Langhorne, Pa. 19047 (215) 752-1324 (215) 752-1323<sup>1</sup>

Pittsburgh Office, Engineer In Charge, Federal Communications Commission, 3755 William Penn Highway, Monroeville, Pennsylvania 15146 (412) 823-3380 (412) 823-3553<sup>1</sup>

Portland District Office, Engineer In Charge, Federal Communications Commission, 1782 Federal Building, 1220 S.W. Third Avenue, Portland, Oregon 97204 (503) 221-4114 (503) 221-3097<sup>1</sup>

St. Paul District Office, Engineer In Charge, Federal Communications Commission, 691 Federal Bldg. & U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101 (612) 725-7810 (612) 725-7819<sup>1</sup>

San Diego Office, Engineer In Charge, Federal Communications Commission, 7840 El Cajon Blvd., Room 405, La Mesa, California 92041 (714) 293-5478 (714) 293-5460<sup>1</sup>

San Francisco District Office, Engineer In Charge, Federal Communications Commission, 423 Customhouse, 555 Battery Street, San Francisco, California 94111 (415) 556-7701/2 (415) 556-7700<sup>1</sup>

San Juan District Office, Engineer In Charge, Federal Communications Commission, San Juan Field Office, 747 Federal Building, Hato Rey, Puerto Rico 00918 (809) 753-4008 (809) 753-4567

Savannah Office, Engineer In Charge, Federal Communications Commission, 236 Post Office Building and Courthouse, P.O. Box 8004, (125 Bull Street), Savannah, Georgia 31412 (912) 232-4321

Seattle District Office, Engineer In Charge, Federal Communications Commission, 3256 Federal Building, 915 Second Avenue, Seattle, Washington 98174 (206) 442-7653/4 (206) 442-7610<sup>1</sup>

Tampa Office, Engineer In Charge, Federal Communications Commission, ADP Building, Room 601, 1211 N. Westshore Blvd., Tampa, Florida 33607 (813) 228-2872 (813) 228-2605<sup>1</sup>

Washington District Office, Engineer In Charge, 6525 Belcrest Road, Room 830, P.O. Box 1789, Hyattsville, Maryland 20788 (301) 436-7591 (301) 436-7590<sup>1</sup>

**Subpart E—Technical Regulations**

Subpart E is amended by adding new § 95.618 to read as follows:

**§ 95.618 Antenna limitations.**

R/C stations operated on frequencies in the 72-76 MHz band shall employ a transmitting antenna which complies with all of the following:

- (a) The gain of the antenna shall not exceed that of a half-wave dipole;
- (b) The antenna shall be immediately attached to, and integral part of, the transmitter; and
- (c) Only vertical polarization shall be used.

[FR Doc. 81-18366 Filed 6-19-81; 8:45 am]

BILLING CODE 6712-01-M

<sup>1</sup> Recorded information.



# Reader Aids

Federal Register

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.  
Comments on this program are still invited.  
Comments should be submitted to the

Day-of-the-Week Program Coordinator,  
Office of the Federal Register,  
National Archives and Records Service,  
General Services Administration,  
Washington, D.C. 20408.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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