

# Federal Register

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Tuesday  
August 4, 1981

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## Highlights

- 39606 Aviation Safety** DOT/FAA establishes provisions for air traffic control system emergency operation
- 39640 Grant Programs—Education** ED cancels awards for Consumers' Education Program for FY 1981.
- 39784** ED issues regulations on Cooperative Education Program. (Part VI of this issue)
- 39804, 39807** ED issues regulations and invites applications for award of certain unused College Work-Study Program funds under the Supplemental Funds Program for Cooperative Education. (2 documents) (Part VI of this issue)
- 39778 Veterans' Education** ED amends eligibility criteria, required activities, and payment process for Veterans' Cost-of-Instruction Payments Program. (Part V of this issue)
- 39766 Handicapped** ATBCB proposes to rescind minimum guidelines and requirements for Federal and federally-funded buildings and facilities. (Part II of this issue)
- 39766** ATBCB proposes to amend accessibility provisions for public telephones. (Part II of this issue)
- 39561 Food Stamps** USDA/FNS permits Supplemental Security Income households to apply for recertification at Social Security Administration offices.

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## Highlights

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- 39709 Indians—Discretionary Funds** Navajo and Hopi Indian Relocation Commission lists priorities for consideration of applications for financial assistance.
- 39770 Recombinant DNA Research** HHS/NIH lists proposed actions to be taken under Guidelines for Research Involving Recombinant DNA Molecules. (Part III of this issue)
- 39573 Nuclear Power Plants and Reactors** NRC denies petition for permanent shutdown of all licensed plants and associated fuel cycle activities except waste disposal facilities.
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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

### Food and Nutrition Service

#### 7 CFR Parts 272 and 273

[Amendment No. 197]

#### Food Stamp Program: Recertification of SSI Households

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Interim final rule.

**SUMMARY:** This rule for the Food Stamp Program permits households consisting of only applicants for and recipients of Supplemental Security Income (SSI) to apply for food stamp recertification at offices of the Social Security Administration (SSA). This action is required by a partial summary judgment in the case of *James Campbell, et al. v. United States Department of Agriculture, et al.* This rule's effect will be to offer an alternate recertification procedure for many food stamp households.

**DATES:** This rule is effective September 3, 1981. The rule must be implemented no later than October 5, 1981. Comments must be received on or before December 2, 1981 to be assured of consideration.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250; 202-447-9075.

**ADDRESS:** Comments should be submitted to: Susan McAndrew, Acting Director, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250. All written

comments will be open to public inspection at the offices of the Food and Nutrition Service, USDA, during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 500 12th Street, S.W., Washington, D.C., Room 678.

**SUPPLEMENTARY INFORMATION:** This rule has been reviewed under Executive Order 12291. The Department has determined that this rule will not have an annual effect on the economy of \$100 million. The rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. The administrative funding for the taking of some applications for food stamp recertification will be directed toward SSA, rather than toward the State welfare agencies as is currently the case. This rule will not significantly and adversely affect competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign based enterprises. Implementation of this rule will not affect foreign trade, since the rule's effects are limited to State welfare agencies, the Social Security Administration, and the Food and Nutrition Service. Therefore, the Department has determined that this rule is not major.

In accordance with section 8(a)(2) of Executive Order 12291, the Department has not complied with section 3(c)(3) of that Executive Order. Section 3(c)(3) would require the Department to submit this rule to the Office of Management and Budget (OMB) at least ten days before publication in the Federal Register. Because the court allowed the Department a short time to write and publish this rule, it is not practicable to submit the rule to OMB. However, the Department has notified OMB of the problems it faces in complying with the Executive Order and is submitting the rule for review upon publication.

The rule has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354, 94 Stat. 1164, September 9, 1980). G. William Hoagland, Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant impact on a substantial number of small entities. State welfare agencies, their local

offices, and the offices of the Social Security Administration will be minimally affected by this change in procedure.

*Campbell v. USDA* (Civil Action No. 80-0282, D.C.) requires that the provisions of this rule be implemented no later than sixty days after the rule is published in the Federal Register. Therefore, in accordance with 5 U.S.C. 553(b)(B), USDA is waiving the notice of proposed rulemaking because publication of the final rule and implementation as directed by the court could not be accomplished if a proposed rule were issued. However, because this is an interim final rule, the Department will accept comments on this rule.

#### Introduction

Public Law 95-113, the Food Stamp Act of 1977, sought to make it easier for people to apply for food stamps. This was particularly true for the aged and the disabled. Section 11(i)(2) of that Act required USDA and the Department of Health and Human Services (HHS) to cooperate regarding food stamp households which are composed only of Supplemental Security Income (SSI) applicants or recipients. On April 22, 1980, USDA published a final rule on this subject, with the approval of HHS (see 45 FR 27426 to be published at 7 CFR 273.2(k)). SSA and the State welfare agencies implemented the rule on August 1, 1980. According to this rule any household composed only of SSI applicants or recipients, which is not participating in the Food Stamp Program and has not recently applied, may file an initial food stamp application at an SSA office.

Currently, households may apply for recertifications at SSA's offices only if the household had applied initially at an SSA office, had received its food stamp notice of expiration, and had gone to an SSA office for a redetermination of its SSI case by the fifteenth day of the last month of its certification period. USDA placed these limitations on recertifications for three reasons. First, the Department viewed the certification and recertification procedures as distinct, since the latter is, at least partly, an updating of previously recorded information. In the Department's opinion, section 11(i)(2) of the Food Stamp Act of 1977 was meant to cover only initial certifications. Secondly, food stamp recertifications

and SSI redeterminations take place on different schedules. Therefore, if separate food stamp recertifications through SSA offices were permitted, SSA would be performing actions wholly unrelated to its own programs. Finally, current Food Stamp Program regulations allow SSI recipients to obtain out-of-office interviews. This provision relieves them of the burden of going to food stamp offices. This interim final rule revises the conditions under which a household may apply for recertification at an SSA office.

#### Revised Criteria for Recertification

On June 4, 1981 the United States District Court for the District of Columbia issued a partial summary judgment in the case of *James Campbell, et al. v. United States Department of Agriculture, et al.* (Civil Action No. 80-0282). According to this interim final rule which implements the court's order, any household which may apply at SSA for an initial certification may also do so for a recertification. The current rules regarding application for initial certification allow two systems. If SSA's own employees accept food stamp applications and conduct interviews, a household may apply for food stamps only if all its members receive SSI or are applying for it. If a State agency's employee is working in an SSA office to conduct food stamp business, a household may apply for food stamps there if it contains at least one SSI applicant or recipient or one member applying for or receiving Retirement, Survivors and Disability Insurance (RSDI) benefits, if SSA agrees. These criteria will now be in effect for those who wish to apply for food stamp recertifications.

As in the case of application for initial certification, SSA will interview the applicant, obtain any readily available verification, complete a transmittal form, and send this material to the State welfare agency. SSA will not actually recertify the household. Certification functions other than those specifically described in this rule, notification and issuance functions, fair hearings, and other activities remain the sole responsibility of the State agencies.

#### Comments

Although this rule must be implemented without benefit of comments, the Department invites parties to comment. The comment period will last for 120 days. After that period, the Department will review the comments and publish a final rule.

#### Implementation

The Court in *Campbell v. USDA* initially ordered implementation of this rule no later than 20 days after publication in the Federal Register. However, an extension has been approved by the Court, requiring implementation no later than 60 days after publication, unless it is determined by FNS that good cause exists for a State agency to take up to 90 days to implement the rule. Good cause is the inability of a State welfare agency to comply with the 60 day deadline after having taken all reasonable steps required to meet said date. One example of good cause would be disruption in shipping resulting in the late distribution of the forms within the State welfare agency and/or to the Social Security Administration. In those States with computer-generated notices of expiration, necessary reprogramming of computers might also cause State agencies to fail to meet the deadline. Finally, a State's Administrative Procedures Act might delay the implementation date beyond the 60 days. Therefore, State agencies must implement these rules no later than 60 days after publication unless a good cause extension is granted by FNS.

Accordingly, 7 CFR Parts 272 and 273 are amended as follows:

#### PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, paragraph (g)(33) is added to read as follows:

##### § 272.1 General terms and conditions.

(g) Implementation. \* \* \*

(33) *Amendment 197.* State agencies, the Social Security Administration, and the Food and Nutrition Service shall implement § 273.2(k), of this chapter, as amended, no later than October 5, 1981. An extension of up to 30 additional days may be granted by FNS if the State agency can show good cause for not complying with the 60-day timeframe. Good cause is the inability of a State welfare agency to comply with the 60-day deadline after having taken all reasonable steps required to meet said date. One example of good cause would be disruption in shipping resulting in the late distribution of revised or additional forms within the State welfare agency and/or to the Social Security Administration. In those States with computer-generated notices of expiration, necessary reprogramming of computers might also cause State agencies to fail to meet the deadline. Finally, a State's Administrative Procedures Act might delay the

implementation date beyond the 60 days. FNS shall determine on a case-by-case basis whether good cause exists.

(i) Before the implementation date, FNS shall provide to State agencies model language for a revised notice of expiration, and shall approve acceptable revision which the State agencies submit;

(ii) Beginning on the implementation date, State agencies shall issue revised notices of expiration to recipients informing them that any household consisting only of Supplemental Security Income (SSI) applicants or recipients is entitled to apply for food stamp recertification at an office of the Social Security Administration (SSA);

(iii) Beginning on the implementation date, SSA shall accept applications for food stamp recertification from all households consisting only of SSI applicants or recipients in accordance with § 273.2(k)(1)(i) of this chapter.

(iv) Beginning on the implementation date, outstationed State agency workers shall accept applications for food stamp recertification from those households entitled to apply in accordance with § 273.2(k)(1)(ii) of this chapter.

#### PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.2, the introductory text of paragraph (k) and paragraph (k)(2)(ii) are revised as follows:

##### § 273.2 Application processing.

\* \* \* \* \*

(k) *SSI households.* For purposes of this paragraph, SSI is defined as Federal SSI payments made under Title XVI of the Social Security Act, federally administered optional supplementary payments under section 1616 of that Act, or federally administered mandatory supplementary payments made under Section 212(a) of Pub. L. 93-66. Except in cashout States (§ 273.20), households which have not applied for food stamps in the thirty preceding days, and which do not have applications pending, may apply and be certified for food stamp benefits in accordance with the procedures described in § 273.2(k)(1)(i) or § 273.2(k)(1)(ii) and with the notice, procedural and timeliness requirements of the Food Stamp Act of 1977 and its implementing regulations. These households' food stamp eligibility and benefit levels shall be based solely on food stamp eligibility criteria. The State agency shall make an eligibility determination based on information provided by SSA or by the household.

\* \* \* \* \*

(2) *Recertifications.* \* \* \*

(ii) Households shall be entitled to make a timely application (in accordance with § 273.14(b)(3)) for food stamp recertification at an SSA office under the following conditions:

\* \* \* \* \*

(91 Stat. 958 (7 U.S.C. 2011-2027))

(Catalog of Federal Domestic Assistance Programs No. 10551, Food Stamp)

Dated: July 20, 1981.

G. William Hoagland,  
Administrator.

[FR Doc. 81-22859 Filed 8-3-81; 8:45 am]

BILLING CODE 3410-30-M

## Rural Electrification Administration

### 7 CFR Part 1701

#### Public Information; Appendix A—REA Bulletins; Bulletin 345-84, REA Specification for Expanded Dielectric Trunk Coaxial Cable, PE-84

**AGENCY:** Rural Electrification Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** REA hereby amends Appendix A—REA Bulletins to issue a "File With" to Bulletin 345-84, REA Specification for Expanded Dielectric Trunk Coaxial Cable, PE-84, to relax attenuation requirements for 12.70 mm cable at 5, 10, and 25 MHz. The relaxations will have minimal impact on system design and will increase the number of manufacturers capable of producing cable meeting the attenuation requirements without costly retooling thus assuring an adequate supply of acceptable cable at competitive prices.

**EFFECTIVE DATE:** May 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3827. The Impact Analysis Statement describing the options considered in developing this rule, and the impact of implementing each option, is available on request from the above office.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby issues a "File With" to amend Bulletin 345-84 (PE-84), which became effective September 1980. As a result of discussions with the product manufacturers prior to the issuance of PE-84, it was assumed that adequate supplies of acceptable cable would be available at competitive prices. Such is not the case, and only limited supplies

are available, with the result that prices for this product have increased. By slightly relaxing attenuation requirements in the 5 to 25 MHz regions, the supply of acceptable cable can be substantially increased with only minimal impacts on system design. Increasing the supply of acceptable cable will assure competitive prices as well.

Because of the need outlined above for prompt action to assure adequate cable supplies at competitive prices, John H. Arnesen, Assistant Administrator—Telephone, has determined this action responds to an emergency situation within the meaning of Section 8 of Executive Order 12291 and warrants publication without opportunity for public comment. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553 it is found upon good cause that notice and other public procedure with respect to this action is impractical and contrary to the public interest and good cause is found for making this relaxation of requirements effective less than 30 days after publication in the Federal Register. This action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major."

(Catalog of Federal Domestic Assistance as 10.853, Community Antenna Television Loans and Loan Guarantees)

Dated: May 1, 1981.

John H. Arnesen,  
Assistant Administrator, Telephone.

[FR Doc. 81-22538 Filed 8-3-81; 8:45 am]

BILLING CODE 3410-15-M

## Agricultural Marketing Service<sup>1</sup>

### Food Safety and Quality Service

#### 7 CFR Part 2852

#### United States Standards for Grades of Canned Ripe Olives<sup>2</sup>

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

**ACTION:** Final rule.

**SUMMARY:** The purpose of this rule is to revise the voluntary U.S. Standards for Grades of Canned Ripe Olives. The final rule was developed by the U.S.

<sup>1</sup> The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service of USDA by USDA Secretary's Memorandum 1000-1, issued June 17, 1981. A notice detailing the agencies' reorganization is being drafted for later publication.

<sup>2</sup> Compliance with provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Department of Agriculture at the request of the California olive industry. This rule will: (1) provide for seven (7) sizes in canning whole and pitted ripe olives and (2) provide minimum drained weight requirements for the seven (7) sizes. Its effect will be to promote efficient and orderly marketing.

**EFFECTIVE DATE:** August 4, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. Romeo V. Villaluz, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6247.

**SUPPLEMENTARY INFORMATION:** William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this final rule is not major. It will not result in an annual effect on the economy of \$100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because this reflects current marketing practices.

It is found that good cause exists for making this document effective upon publication in the Federal Register (5 U.S.C. 553) because: (1) The 1981-82 crop year begins in mid-August 1981 and this final rule should be effective by the time new crop deliveries from growers to processors begin and (2) postponing the effective date of this final rule would serve no useful purpose and could cause administrative problems in the application of the U.S. Standards for Grades of Canned Ripe Olives.

The California olive industry produces the entire U.S. crop of olives. It is regulated by a Federal marketing order. The marketing order specifies the size categories and the minimum sizes of processed olives, by variety, that may be used to produce whole and pitted canned ripe olives. It also provides for processed olives smaller than the size prescribed for whole and pitted styles, which are used for limited purposes.

Prior to September 1977, the U.S. Standards for Grades of Canned Ripe Olives contained nine (9) sizes of whole and pitted olives (small, medium, large, extra large, mammoth, giant, jumbo, colossal, and super colossal). At that time, however, the olive industry used fourteen (14) size designations. The fourteen (14) size designations included all nine (9) sizes in the U.S. grade standard plus five (5) other designations. The five other designations included select and standard (other terms for small); picnic (for Ascolano variety extra large); gems (for Sevillano variety mammoth); and super supreme (for super colossal). The limited size olives, referred to in the industry as petite, are used for sliced, chopped, halves, and segmented styles. These styles are for special uses such as pizza, meat loaf, and salads.

In September 1977, a revision of the U.S. Standards for Grades of Canned Ripe Olives provided for five (5) sizes (small, medium, large, extra large, and colossal). The olive marketing order, however, continued to cite the nine (9) sizes provided for in the superseded standards. However, about one half (production tonnage) of the olives processed were sold on the basis of the five (5) sizes in the 1977 standards.

While a segment of the ripe olive processing industry customarily uses five (5) sizes for retail sales and other members use nine (9) sizes, the ripe olive industry has agreed on the use of

seven (7) sizes. The industry is currently reviewing olive sizes under the order to align them with the U.S. grade standards.

Restructuring the olive sizes from five to seven necessitated changing the minimum drained weight requirement to reflect the seven sizes. To determine the proper restructuring for the seven sizes and minimum drained weight requirements, therefore, an olive size and drained weight study was undertaken jointly by the USDA and the olive processors. Results of this study are incorporated in this rule.

This action is in concurrence with the recommendations and information submitted by the California olive industry through the Olive Administrative Committee.

#### Comments

The proposed rule to revise the voluntary grade standards for canned ripe olives was published in the Federal Register on May 5, 1981 (46 FR 25097-25101). Three comments were received. One comment came from an olive processor in California and another comment came from the Olive Administrative Committee. Both parties fully endorsed the proposal with suggestions for a minor editorial change. The third comment came from an individual who expressed concern over the use of size designations other than small, medium, and large. The seven size designations, however, are

established terms which have been accepted by both the olive industry and consumers.

Some editorial changes have been made in the final publication to clarify the standards.

In consideration of the foregoing, Subpart United States Standards for Grades of Canned Ripe Olives (7 CFR Part 2852.3754 and 2852.3755) are hereby amended to read as follows:

1. In § 2852.3754, paragraph (b)(1) and Table I are hereby revised to read as follows:

#### § 2852.3754 Size designations for whole and pitted style.

\* \* \* \* \*

(b) \* \* \*





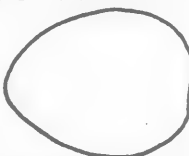
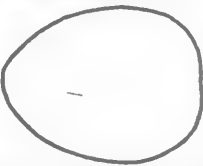
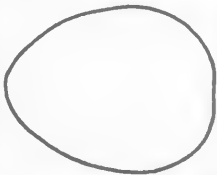
(1) Single size. Canned whole or pitted olives shall be considered of a single size if the olives are at least as uniform in size as defined for U.S. Grade C in § 2852.3756 of this subpart and conform with the applicable count per pound range indicated in Table I in the case of whole olives, or conform closely to the applicable illustration in Table I in the case of pitted olives. When the count per pound of whole olives falls between two count ranges, the size designation shall be the next smaller size.

(2) \* \* \*

BILLING CODE 3410-02-M

TABLE I

## SIZE - CANNED WHOLE AND PITTED RIPE OLIVES

DESIGNATION	COUNT PER POUND	ILLUSTRATION	APPROXIMATE DIAMETER RANGE ILLUSTRATED (mm)
SMALL	128 - 140		16 - 17
MEDIUM	106 - 121		17 - 19
LARGE	91 - 105		19 - 20
EXTRA LARGE	65 - 88		20 - 22
JUMBO	51 - 60		22 - 24
COLOSSAL	41 - 50		24 - 26
SUPER COLOSSAL	26 - 40		26 and over

2. In § 2852.3755, paragraph (c)(2) and Table II are hereby revised to read as follows:

§ 2852.3755 Minimum drained weights.

(c) \* \* \*  
(2) There shall be no unreasonable shortage in any individual container.

Table II.—Acceptance Values for Drained Weights—Whole

	211 X 304		300 X 407		603 X 700	
	$\bar{X}_d$ ounces	$\bar{X}_d$ grams	$\bar{X}_d$ ounces	$\bar{X}_d$ grams	$\bar{X}_d$ ounces	$\bar{X}_d$ grams
Small .....	4.5	127.5	7.75	219.7	66.0	1871.1
Medium .....	4.5	127.5	7.75	219.7	66.0	1871.1
Large .....	4.5	127.5	7.75	219.7	66.0	1871.1
Extra large .....	4.5	127.5	7.5	212.6	66.0	1871.1
Jumbo .....	4.0	113.4	7.25	205.5	64.0	1814.4
Colossal .....	4.0	113.4	7.25	205.5	64.0	1814.4
Super colossal .....	4.0	113.4	7.25	205.5	64.0	1814.4

Table II.—Acceptance Values for Drained Weights—Pitted

	211 X 304		300 X 407		603 X 700	
	$\bar{X}_d$ ounces	$\bar{X}_d$ grams	$\bar{X}_d$ ounces	$\bar{X}_d$ grams	$\bar{X}_d$ ounces	$\bar{X}_d$ grams
Small .....	3.25	92.1	6.0	170.1	51.0	1445.8
Medium .....	3.25	92.1	6.0	170.1	51.0	1445.8
Large .....	3.5	99.2	6.0	170.1	51.0	1445.8
Extra large .....	3.5	99.2	6.0	170.1	51.0	1445.8
Jumbo .....	3.25	92.1	5.75	163.0	49.0	1389.1
Colossal .....	3.25	92.1	5.75	163.0	49.0	1389.1
Super colossal .....	3.25	92.1	5.75	163.0	49.0	1389.1

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C., on July 29, 1981.

William T. Manley,  
Deputy Administrator, Marketing Program Operations.

(FR Doc. 81-22570 Filed 8-3-81; 8:45 am)

BILLING CODE 3410-02-M

**Agricultural Marketing Service  
Food Safety and Quality Service  
7 CFR Part 2856**

[Docket No. 80-025F]

**Revision of Shell Egg Standards and Grades**

**AGENCY:** Agricultural Marketing Service,<sup>1</sup> USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule revises the voluntary shell egg grading regulations. The amendments are basically the same as proposed in the Federal Register of April 17, 1981 (46 FR 22383). The amendments will:

a. Raise the minimum percent of eggs of a specified quality in the consumer grades at origin and destination, except for a downward adjustment in this percentage for U.S. Grade AA at

<sup>1</sup>The Commodity Services program of the Food Safety and Quality Service. USDA was transferred to the Agricultural Marketing Service, USDA by USDA Secretary's Memorandum 1000-1, issued June 17, 1981. A notice detailing the Agency's reorganization is being drafted for later publication.

destination to more accurately reflect normal quality loss during marketing.

b. Eliminate the consumer grade Fresh Fancy quality control program because it is used very little and the Grade A quality control program because it is not used.

c. Eliminate C quality classification for individual eggs because they have become an insignificant portion of production (about 1 percent of nest-run eggs).

d. Raise the tolerance for Checked eggs at destination for all egg sizes and for Jumbo size eggs at origin, slightly raise the tolerance for Leakers and Dirties at destination, and provide a small tolerance for Dirties at origin to more accurately reflect current egg production and marketing practices.

e. Eliminate the three lower U.S. Wholesale grades—Trades, Dirties, and Checks—because they are no longer used and eliminate the two U.S. Procurement grades because they are obsolete.

f. Clarify the definition or origin grading to indicate that this is a grading made at a plant where eggs are graded and packed.

**EFFECTIVE DATE:** October 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** D. M. Holbrook, Chief, Poultry Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3944, South Agriculture Building, Washington, DC 20250, (202) 447-3506.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12291**

An initial determination has been made that this final rule is not a major rule under Executive Order 12291 because it does not impose additional burdens or requirements on the affected industry. It will not result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation has been reviewed for cost effectiveness under USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291. It revises the shell egg standards and grades to bring them in line with current egg production and marketing conditions. As such, it is anticipated that the revisions will result in no monetary costs or other adverse impacts offsetting the expected benefits. Alternatively, the Agency could have retained the existing, outdated standards and grades, but strict compliance with those standards and grades would result in substantial cost to both industry and consumers with little or no offsetting product quality benefit.

**Effect on Small Entities**

It has been determined that this action will not have a significant economic impact on a substantial number of small entities because it involves changes that are limited to bringing the existing regulations into conformity with current industry production and marketing practices, but does not impose additional burdens or requirements on the affected industry.

**Background**

The history of standards for shell eggs dates back to 1925 when the first quality standards for individual eggs were developed. In 1948, consumer grades were issued, and in 1967 separate

standards for consumer grades at origin and destination were issued. Individual shell eggs are judged for quality based on a subjective response to their exterior and candled appearance. Eggs may then be packed under various USDA grademarks provided they meet all minimum requirements as outlined in the Regulations Governing the Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 2856).

Tolerances are designed to compensate for human variability and unavoidable quality loss due to handling during transport and marketing and the natural decline or change in quality during this period. Tolerances must be within the capabilities of the industry to produce an acceptable product at reasonable prices. Without tolerances, it would not be possible to produce cartoned eggs at prices acceptable to consumers.

U.S. shell egg standards and grades need to reflect and to keep current with improvements in industry technology. Also, they must be current with today's production and marketing practices. The shell egg industry has undergone drastic changes since the consumer grades were issued. Eggs move faster into the marketplace than ever before in the history of the industry.

U.S. shell egg standards and grades impact upon State egg laws. States regulate the labeling, grading, and marketing of eggs through State egg laws, and these laws reference the U.S. standards, grades, and weight classes. The inspection of eggs at retail outlets for grade and weight compliance is basically the responsibility of State regulatory agencies under State egg laws.

From reports of State regulatory gradings at retail, as well as scattered retail gradings the Agency had made, the question arose as to whether the destination grades are realistic and reasonable, and truly reflective of today's production and marketing practices. Since there were no studies to evaluate this situation, the Agency made a comprehensive study of retail packs to determine how the actual grade and size compared with the marked grade and size. A randomly selected group of retail outlets comprised of various sizes and types was used in the study. There were 125 chains selected for the study with stores from nationwide chains being visited in many States. Gradings were made at retail outlets in 31 different States by supervisory U.S. Department of Agriculture personnel. The gradings were performed in April and May 1978 and duplicated in the same outlets again in July and August 1978. During the two

periods, 12,312 100-egg samples were graded from the various sizes and grades available. The sample distribution was composed of 52.16 percent of product graded under USDA's voluntary grading program and identified with official USDA grademarks and 47.84 percent packed without USDA identification.

Based on the results of the study, the Agency solicited public comments on various proposed changes in the voluntary shell egg regulations through an advanced notice of proposed rulemaking. This document was made available through a notice published in the May 27, 1980, Federal Register (45 FR 35345), open for comment until August 25, 1980. Fifty-five (55) comments were received; 22 from egg producers, packers, distributors, and other interested persons; 9 from trade organizations; 1 from an industry task force representing 36 other organizations; 18 from State departments of agriculture; and 5 from consumers. The majority of these comments indicated that the review of the voluntary shell egg standards was long overdue and that the proposed changes, with one exception, were both reasonable and necessary. The one exception to the changes suggested in the advanced notice was the elimination of U.S. Grade AA. Comments received indicated that elimination of U.S. Grade AA would not necessarily eliminate Grade AA regulated under State egg laws, that it would create an economic hardship on producers marketing this grade, and that there could be an economic impact on retailers in certain States. After reviewing these comments, the Agency decided not to propose the elimination of U.S. Grade AA through rulemaking procedures but to maintain this grade with modifications.

#### Proposal

Based on the comments received on the advanced notice of proposed rulemaking, the Agency published a proposed rule in the Federal Register of April 17, 1981, (46 FR 22383), to amend the voluntary shell egg regulations as set forth basically in the advanced notice. The proposed rule contained the following major revisions:

1. Raise the minimum percent of eggs of the specified quality in consumer grades—The minimum percent of AA or A quality or better eggs required in U.S. Grade AA or U.S. Grade A, respectively, would be increased from 85 to 87 at origin and 80 to 82 at destination for U.S. Grade A. An exception would be in U.S. Grade AA eggs at destination to require 72 percent AA quality eggs instead of 80 percent and to require at least 10

percent of the remaining eggs to be A quality. For U.S. Grade B, the minimum percent of B quality or better eggs would be increased from 85 to 90 at origin and 80 to 90 at destination.

2. Eliminate the consumer grade Fresh Fancy quality and Grade A quality control programs.

3. Eliminate the C quality classification for individual eggs—C quality eggs due to shell deformities would be placed in the B quality classification, and C quality eggs due to moderately stained shells in excess of that permitted in B quality would be placed in the Dirty category.

4. Raise the tolerance for checked eggs—The Check tolerance for U.S. Grade AA and U.S. Grade A at destination would be raised from 5 to 7 percent for all weight classes except Jumbo. The Check tolerance for Jumbo size eggs would be raised from 5 to 7 percent at origin and to 9 percent at destination.

5. Slightly raise the tolerances for Leakers and Dirties—The tolerance in U.S. Consumer Grades for Leakers and Loss due to meat or blood spots in any combination at origin would be increased from 0.3 to 0.5 percent and include Dirties, except that such Loss would remain at the 0.3 percent level. At destination the tolerance for Leakers, Dirties, and Loss due to meat or blood spots in any combination would be increased from 0.5 to 1.0 percent. Loss permitted would again not be allowed to exceed 0.3 percent.

6. Eliminate wholesale and procurement grades—Three of the U.S. Wholesale Grades (U.S. Trades, U.S. Dirties, and U.S. Checks) and the two U.S. Procurement Grades (I and II) would be eliminated.

7. Clarify the definition of origin grading—The definition of origin grading would be clarified to indicate a grading made at a plant where eggs are graded and packed.

Except for eliminating small meat spots from the proposed 1 percent tolerance for B quality due to small blood and meat spots, air cells over  $\frac{3}{8}$  inch, or serious yolk defects permitted in U.S. Grade AA and A and several editorial changes for clarity, the revisions to the voluntary shell egg regulations are the same as proposed.

#### Discussion of Comments

As a result of the proposal, 85 comments were received from 42 individuals, 24 State departments of agriculture (two commented twice), 10 egg producers, packers, or distributors, 1 associated industry, 1 university, 3 industry organizations, an industry

ected task force representing 32 other organizations, and 1 retailer. The majority of these comments generally supported the changes except for a large number of individuals who objected to the increase in tolerances for checked eggs. The principal concerns expressed through objecting statements raised the following issues:

1. The proposed change to raise the tolerance for checked eggs at destination for all egg sizes and, in addition, at origin for Jumbo size eggs generated more opposition than all the other proposed changes combined. Forty-two interested parties, most of whom were individuals, objected to this change, but fifty-seven interested parties supported the proposal, and three individuals suggested that the Government should not regulate Checks at all. Also, a few other interested parties suggested additional changes in the tolerances. Most opposing commenters believed the number of checked eggs allowed in a carton would be increased and would result in a decrease in the quality of eggs purchased by consumers. Additionally, a few commenters expressed the view that industry should improve operations to minimize this problem. Checks (an individual egg that has a broken or cracked shell but with its shell membranes intact and its contents not leaking) are an unavoidable problem in the marketing of eggs because eggs cannot be assembled, graded, packed, transported, and merchandized without some breakage. Most obvious Checks are removed during the grading process, but "hairline" Checks often escape detection because they cannot be seen. As time passes, many of these Checks become detectable (due primarily to contraction caused by cooling); however, the eggs have usually moved into marketing channels and may be at the retail level within 1-3 days after being laid. Handling of eggs during the marketing process also may cause Checks.

The current standards provide that AA and A grade eggs may contain up to 5 percent Checks at both origin and destination. The retail study recently conducted by the Agency indicates that slightly over 30 percent of AA and A grade cartoned eggs at retail stores exceed the 5-percent Check tolerance. Yet, the average percent of Checks at retail was 4.53, well under the 5 percent allowed. When the 5-percent tolerance was adopted in 1967, it was based on the layman's approach of "averages" rather than "frequency tables" which are used by statisticians. Thus, the present destination standards are and

have been in error and do not accurately reflect what is reasonable under normal egg production and marketing practices and what is in the marketplace today. The changes only update the standards to reflect what is presently in the marketplace as determined by the Agency's comprehensive survey conducted in 1978. It will not reduce the quality of eggs consumers are purchasing.

Except for a comment from one State, none of those opposing this change submitted data to support their claim or refute the Agency's data.

Moreover, except for Jumbo size eggs, it appears that most commenters failed to realize that origin tolerances for other sizes are unchanged. Thus, for all sizes other than Jumbo, the Check tolerances applied at the packing and grading (origin) location remain the same.

One State department of agriculture expressed concern about the need to increase the Check tolerance and presented supporting data. The Agency reviewed its retail study data for that State. The data showed that the results in that State were approximately the same as the national figures.

A few commenters proposed increasing tolerances at origin for checked eggs; namely, for the Extra Large size. No data were submitted to substantiate these suggestions. However, to the contrary, the Agency's data from shell egg plants with USDA resident grading service indicate that industry compliance with the existing tolerance for Extra Large size is attainable under present practices.

A few comments were received expressing concern about the separate tolerances for Jumbo size eggs. One State department of agriculture opposed the change because of concern for a higher incidence of Leakers at destination. Another State department of agriculture expressed concern that a separate tolerance for Jumbo size eggs was confusing and lacks uniformity. While the Agency shares the opinion that this change results in some confusion and less uniformity, the tolerances recommended are in accordance with the 1978 nationwide survey. This study suggests, due to the difficulty of packaging these oversized eggs in material which will accommodate them and the extensive shell area subject to damage, that a separate tolerance for Jumbo size eggs is needed. Accordingly, the Agency proposed separate origin and destination Check tolerances.

In regard to the view that the Government should not regulate checked eggs, the Agricultural

Marketing Act of 1946 directs the Secretary of Agriculture to develop and improve grade standards for voluntary use by industry to facilitate marketing. Therefore, the Agency is required to provide voluntary grade standards.

2. In addition to opposing the increase in tolerances for checked eggs, a few statements expressed concern that slightly raising tolerances for Leakers and Dirties would reduce overall product quality. These changes were not proposed by USDA to permit inferior products but rather to compensate for human error and unavoidable quality loss during handling and marketing. Furthermore, small increases in tolerances would have practically no effect on the overall quality of the eggs in U.S. Consumer Grades AA and A packs since they merely reflect what is presently in the marketplace. Based on the plant and retail studies, slight increases align the tolerances with industry's capability to produce an acceptable product at reasonable prices. Therefore, in the absence of data to support the objections received, the Agency will make the proposed changes.

3. There were comments suggesting changes in the tolerances for Loss due to large meat or blood spots. One commenter believed the Loss tolerance should be raised from 0.3 percent to 0.5 percent at destination to be consistent with the concept of different origin and destination tolerances for other factors. Another commenter suggested that the Loss tolerance should be raised to 0.5 percent at origin and destination because the 0.3-percent tolerance is unrealistic and because a 0.5-percent tolerance results in a high level of compliance with a lack of consumer complaints.

The Agency's comprehensive nationwide study showed that at origin only 0.29 percent of the eggs from Grade A packs were downgraded for Loss due to Leakers, large meat or blood spots, and all other types of Loss combined. Furthermore, the Agency's retail study showed that eggs at retail outlets were found to contain only 0.43 percent Loss due to Leakers, large meat or blood spots, and all other types of Loss combined. The Agency has no reason to believe that the amount of Loss due to meat or blood spots at destination is greater than at origin. Moreover, the Agency has increased the destination tolerance for Leakers and Dirties to account for breakage in handling and shipment. In the absence of specific data to support these suggestions, the Agency will maintain the present tolerance for Loss due to large meat or blood spots.



4. Comments were received from three egg packers, two State departments of agriculture, and several industry organizations expressing concern about the proposed tolerance of not more than 1 percent B quality due to air cells over  $\frac{3}{8}$  inch, meat or blood spots (aggregating not more than  $\frac{1}{8}$  inch in diameter), or serious yolk defects permitted in both U.S. Consumer Grades AA and A. Their foremost concern was that the standards were too restrictive and impractical with respect to small meat spots in brown shell eggs. Research reports and random sample laying tests show that the incidence of meat spots is significantly higher in brown eggs than in white eggs.

While USDA undertook a comprehensive study in February 1979 that showed only a small percentage of eggs from laying houses (nest-run eggs) were due to classification factors, such as air cell development and small meat or blood spots, very few brown eggs were examined in the study. Thus, while the study is indicative of the Nation's egg production, it does not accurately reflect the incidence of small meat spots in brown eggs.

The current standards provide for a maximum of 5 percent small meat or blood spots, air cells over  $\frac{3}{8}$  inch, serious yolk defects, weak and watery whites, shell abnormalities, and Checks individually or in combination. Thus, the current standards account for and permit the higher incidence of small meat spots. However, the Agency did not provide for this difference in the proposal due to the low overall incidence of small meat and blood spots in brown and white eggs combined. Accordingly, the Agency finds it difficult to justify the proposed tolerance when applied to meat spots in brown eggs and allows for this by eliminating eggs containing small meat spots (aggregating not more than  $\frac{1}{8}$  inch in diameter) from the 1 percent tolerance and permitting them in the maximum tolerance which may be below AA or A quality.

5. A few comments were received expressing concern that the unlimited tolerance for air cell depth and small meat or blood spots in U.S. Consumer Grade B would create problems with the public's acceptance of this grade. With the elimination of the C quality classification, the Agency decided to place eggs of the type mentioned above into the B quality classification for two reasons. First, the Agency undertook a study in February 1979 which showed that less than 0.1 percent of the eggs from laying houses were due to factors such as air cell development and small meat or blood spots. Even though the

Agency did not investigate the increase in air cell depth from origin to destination specifically for U.S. Consumer Grade B packs, the retail study showed that less than 0.5 percent of eggs examined at retail outlets were downgraded due to air cells over  $\frac{3}{8}$  inch in depth, shell defects, and meat and blood spots combined. And secondly, it is highly unlikely that packers could intentionally add high percentages of small meat and blood spots to a pack without rejections due to Loss from meat or blood spots aggregating more than  $\frac{1}{8}$  inch in diameter. For the above reasons, and since the overall percentage of eggs of this type quality has steadily decreased in the marketplace over the past several years, the Agency will not maintain a separate quality tolerance for these factors in Grade B product.

6. Several comments were received concerning elimination of the "C" quality classification. Comments were mixed regarding the classification of stains and the classification of shell deformities. A few commenters requested higher classification for stains, since stains are not harmful or do not affect interior quality. Other commenters believed that classification of former C quality shells in the B quality category would cause increases in Leakers and Checks due to thin shells. To obtain specific information concerning the actual percentage of C quality eggs, USDA undertook a study in February 1979 involving approximately 2,500 100-egg samples in 20 shell egg plants nationwide with USDA resident grading service. The results of this study showed that only 1.0 percent of eggs from laying houses (nest-run eggs) were of C quality—0.7 percent due to shell shape and texture, 0.2 percent due to stains, and 0.1 percent due to various other factors. Therefore, the study indicates that the percentage of C quality eggs found in the total egg production has decreased to a point where it is insignificant and the Agency finds it difficult to justify continuing the C quality category in the standards. Since the U.S. Consumer Grade C was dropped from the standards in 1963, the Agency must place the present C quality eggs in either the Dirty or B quality classification depending on the degree of defect. Due to the small percentage of C quality in the production moving to shell egg plants, a small insignificant effect on the overall quality of U.S. Consumer Grade B occurs.

7. Several comments were received regarding U.S. Consumer Grade AA. A few commenters still wanted the grade eliminated because it would simplify the grade standards, and cause excessive

noncompliance problems at the retail level. As previously noted in the proposed rule, elimination of U.S. Grade AA would not necessarily eliminate U.S. Grade AA regulated under State egg laws. Additionally, the change in the destination tolerance should result in increased compliance at the retail level.

A number of comments were received expressing concern regarding the origin and destination AA quality levels. Some commenters believed that the origin AA quality level of 85 percent was more reasonable than the proposed 87 percent for AA quality eggs due to difficulty in grader interpretation and the fact that 39.59 percent of the samples failed to meet the 87-percent AA quality level. (This percentage was misinterpreted from the comprehensive USDA study and is actually 35.51 percent.) There were also those that believed a destination AA quality level of 70 percent was more realistic than the proposed 72 percent for AA quality eggs. One commenter believed 70 percent was more realistic because of potential quality decline as product moves from origin to retail outlets. One commenter proposed to retain the present 85-percent origin and 80-percent destination egg quality tolerances for all grades in order to maintain uniformity and because of the view that adjustments in the permitted depth of the air cell to reflect quality loss between origin and destination is more equitable than adjusting the tolerance for undergrade eggs allowed in the different grades. This proposal was based on the premise that quality decline within a specific lot is fairly uniform. Another commenter expressed similar views. In contrast, one commenter pointed out that the proposed 15-percent tolerance range of AA quality eggs between origin and destination (from 87 to 72 percent) is inconsistent with the allowable quality ranges in the other grades. The commenter also believed that the AA quality range should not be 15 percent. In addition, one commenter suggested that the proposed destination quality level of 72 percent AA quality eggs was too low. However, no data were submitted to substantiate any of these claims. While the Agency appreciates these observations, they do not support a change in the proposed AA quality levels. The previous plant study indicates that at origin only 7.5-percent more of the samples examined met the 85-percent AA quality level as compared to those meeting the 87-percent AA quality level. With this difference in mind, the Agency chose the higher 87-percent AA quality level because other

changes in the standards will make it less difficult for certain eggs to meet the AA quality classification. Additionally, the retail study indicates that at destination the 72-percent AA quality level will result in increased compliance for both USDA and non-USDA graded product with about 84.5 percent of product packed under USDA's voluntary grading program meeting the 72-percent AA quality level.

The Agency has examined data comparing decline in air cell depth within specific lots. Even though the data are limited and preliminary, these results do not support the view that air cell depth changes uniformly over a given period of time. Based on these findings, further comprehensive investigation would be necessary in order to verify the claims made by proponents. But in the absence of data supporting the comments, the Agency does not plan to make changes at this time.

In the absence of data supporting each of these suggestions, the Agency will maintain U.S. Consumer Grade AA with modifications in the percentages of AA quality eggs at origin and destination. Thus, the AA quality pack is maintained with an increase in the percent of product within grade at retail.

8. One commenter expressed concern that based on permitted destination tolerances in certain situations, the Grade AA pack may be lower in quality than the Grade A pack. However, this view was due to an error in interpretation of the permitted tolerances. Furthermore, this commenter questioned whether the AA quality tolerances would be in agreement with what is obtainable in today's marketing system. While the Agency recognizes that differences exist between packers, the AA quality tolerances are based on what is reasonable on a nationwide basis. Thus, the tolerances are set at a level more reflective of the quality which can be consistently delivered under today's production and marketing system.

9. A few commenters expressed concern about definitions of terms. Two commenters suggested that the definition of "origin grading" be further defined. One comment was not specific in nature but was believed to agree with the other suggestion that the definition of "origin grading" be redefined to mean the last place eggs are warehoused prior to distribution to the retail outlet. While the Agency gave careful consideration to this opinion, it was considered unrealistic because movement of eggs from the location where eggs are graded and packed normally results in some quality decline. Therefore, it is

unreasonable to apply the stricter origin tolerances at any location other than the point of initial grading and packing.

Additionally, one commenter suggested that the term "destination grading" be more clearly defined. "Destination grading" is not defined in the voluntary shell egg grading regulations. However, "origin grading" is being clarified and further defined as a grading made at a plant where eggs are graded and packed. It follows, therefore, that gradings at other locations, such as distribution points, retail outlets, etc., become "destination gradings."

10. Two State departments of agriculture expressed concern regarding the omission of the revised "Minimum Number of Cases Comprising A Representative Sample" presented in the advanced notice of proposed rulemaking published in the May 27, 1980, Federal Register. The Agency omitted this revision because after further evaluation, it was found that the proposed sampling plan did not give as good a degree of confidence in results as previously believed. It was concluded that too much accuracy was lost; therefore, the revision has been dropped.

11. In addition, four comments included specific suggestions for additional changes to the regulations. Two suggested changes were beyond the scope of the proposal. Also, none of the suggestions were substantiated by supporting data. However, the Agency will make use of such recommendations in considering future amendments to the regulations.

The Agency's change regarding the tolerance for B quality due to meat spots in U.S. Grade AA and A, discussed under issue number 4 above, and several editorial changes in the proposed rule for clarity, most of which were indicated in comments received, affect sections and subsections: 2856.203, 2856.208 (b) and (c), 2856.210 (d) and (e), 2856.216(a) (1) and (2), (b) (1) and (2), and (d)(2), and 2856.217. Section 2856.205 has been included and revised. Except for these changes, the Agency is adopting the proposal as published.

In consideration of the foregoing, the amendments to the voluntary shell egg grading regulations (7 CFR Part 2856) are as follows:

1. In § 2856.1, the definition for "Origin grading" is revised to read as follows:

**§ 2856.1 Meaning of words and terms defined.**

\* \* \* \* \*

"Origin grading" is a grading made on a lot of eggs at a plant where the eggs are graded and packed.

\* \* \* \* \*

**§ 2856.17 [Amended]**

2. In § 2856.17, paragraph (c) is removed.

3. In § 2856.36, paragraphs (b)(3) and (b)(4), including figures 4, 5, and 7, are removed. Figure 6 is moved to paragraph (b)(2) and renumbered as Figure 4, and paragraph (b)(2) is revised to read as follows:

**§ 2856.36 Information required on and form of grademark.**

\* \* \* \* \*

(b) \* \* \*

(2) Except as otherwise authorized, the grademark permitted to be used to officially identify cartons of shell eggs which are graded pursuant to the regulations in this part shall be contained in a shield and in the form and design indicated in Figures 2, 3, and 4 of this section. The shield shall be of sufficient size so that the print and other information contained therein is distinctly legible and in approximately the same proportion and size as shown in Figures 2 and 3. The grademark shall be printed on the carton or on a tape used to seal the carton.



Figure 2



Figure 3



Figure 4

**§ 2856.37 [Amended]**

4. In the first sentence of § 2856.37, the phrase "Figures 2, 3, and 6" is amended to read "Figures 2, 3, and 4."

**§ 2856.39 [Amended]**

5. In § 2856.39, the wording "§§ 2856.35 to 2856.43" is amended to read "§§ 2856.35 to 2856.41".

§ 2856.40 [Amended]

6. In § 2856.40, paragraph (a) is amended by changing the wording "Figures 2, 3, and 6" to read "Figures 2, 3, and 4".

§§ 2856.42 and 2856.43 [Reserved]

7. Sections 2856.42 and 2856.43 are removed and the section numbers are reserved.

8. In § 2856.76, the first sentence of paragraph (f)(1) is removed and paragraph (g) is revised to read as follows:

§ 2856.76 Minimum facility and operating requirements for shell egg grading and packing plants.

(g) The following substances used in the plant shall be approved and handled in accordance with the manufacturer's instructions: Pesticides, insecticides, rodenticides, cleaning compounds, destaining compounds, foam control compounds, sanitizers, and inks and oils coming into contact with the product.

9. In § 2956.200, paragraph (b) is revised to read as follows:

§ 2856.200 Application.

(b) Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light. Any type or make of candling light may be used that will enable the particular grader to make consistently accurate determination of the interior quality of shell eggs. It is desirable to break out an occasional egg and by determining the Haugh unit value of the broken-out egg, compare the broken-out and candled appearance, thereby aiding in correlating candled and broken-out appearance.

10. Section 2856.203 is revised to read as follows:

§ 2856.203 B quality.

The shell must be unbroken, may be abnormal, and may have slightly stained areas. Moderately stained areas are permitted if they do not cover more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered. Eggs having shells with prominent stains or adhering dirt are not permitted. The air cell may be over 3/16 inch in depth, may show unlimited movement, and may be free or bubbly. The white may be weak and watery so that the yolk outline is plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged, and flattened, and may show clearly visible germ development but no blood due to such development. It may show other serious defects that do not render the egg

inedible. Small blood spots or meat spots (aggregating not more than 1/8 inch in diameter) may be present.

§ 2856.204 [Reserved]

11. Section 2856.204 is removed and the section number is reserved.

12. Section 2856.205 is revised to read as follows:

§ 2856.205 Dirty.

An individual egg that has an unbroken shell with adhering dirt or foreign material, prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.

13. In § 2856.208, paragraph (e) is removed and paragraphs (a), (b), (c), and (d) are revised to read as follows:

§ 2856.208 Terms descriptive of the shell.

(a) *Clean*. A shell that is free from foreign material and from stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks, stains, or cage marks, if such specks, stains, or cage marks are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs that show traces of processing oil on the shell are considered clean unless otherwise soiled.

(b) *Dirty*. A shell that is unbroken and that has dirt or foreign material adhering to its surface, which has prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.

(c) *Practically normal (AA or A quality)*. A shell that approximates the usual shape and that is sound and is free from thin spots. Ridges and rough areas that do not materially affect the shape and strength of the shell are permitted.

(d) *Abnormal (B quality)*. A shell that may be somewhat unusual or decidedly misshapen or faulty in soundness or strength or that may show pronounced ridges or thin spots.

14. In § 2856.210, paragraph (d) is removed, paragraphs (e), (f), and (g) are redesignated (d), (e), and (f), respectively, and redesignated paragraphs (d) and (e) are revised to read as follows:

§ 2856.210 Terms descriptive of the white.

(d) *Weak and watery (B quality)*. A white that is weak, thin, and generally lacking in viscosity. A weak and watery white permits the yolk to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled. With respect to a broken-out egg, a weak and watery white has a Haugh unit value

lower than 60 when measured at a temperature between 45° and 60° F.

(e) *Blood spots or meat spots*. Small blood spots or meat spots (aggregating not more than 1/8 inch in diameter) may be classified as B quality. If larger, or showing diffusion of blood into the white surrounding a blood spot, the egg shall be classified as Loss. Blood spots shall not be due to germ development. They may be on the yolk or in the white. Meat spots may be blood spots which have lost their characteristic red color or tissue from the reproductive organs.

15. Section 2856.211 is revised to read as follows:

§ 2856.211 Terms descriptive of the yolk.

(a) *Outline slightly defined (AA quality)*. A yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(b) *Outline fairly well defined (A quality)*. A yolk outline that is discernible but not clearly outlined as the egg is twirled.

(c) *Outline plainly visible (B quality)*. A yolk outline that is clearly visible as a dark shadow when the egg is twirled.

(d) *Enlarged and flattened (B quality)*. A yolk in which the yolk membranes and tissues have weakened and/or moisture has been absorbed from the white to such an extent that the yolk appears definitely enlarged and flat.

(e) *Practically free from defects (AA or A quality)*. A yolk that shows no germ development but may show other very slight defects on its surface.

(f) *Serious defects (B quality)*. A yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.

(g) *Clearly visible germ development (B quality)*. A development of the germ spot on the yolk of a fertile egg that has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(h) *Blood due to germ development*. Blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible.

§ 2856.215 [Amended]

16. In § 2856.215, paragraph (e) is removed and paragraph (f) is redesignated (e).

17. Section 2856.216 is revised to read as follows:

### § 2856.216 Grades.

(a) *U.S. Grade AA.* (1) U.S. Consumer Grade AA (at origin) shall consist of eggs which are at least 87 percent AA quality. The maximum tolerance of 13 percent which may be below AA quality may consist of A or B quality in any combination, except that within the tolerance for B quality not more than 1 percent may be B quality due to air cells over  $\frac{3}{8}$  inch, blood spots (aggregating not more than  $\frac{1}{8}$  inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for Jumbo size) Checks are permitted and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(2) U.S. Consumer Grade AA (destination) shall consist of eggs which are at least 72 percent AA quality. The remaining tolerance of 28 percent shall consist of at least 10 percent A quality and the remainder shall be B quality, except that within the tolerance for B quality not more than 1 percent may be B quality due to air cells over  $\frac{3}{8}$  inch, blood spots (aggregating not more than  $\frac{1}{8}$  inch in diameter), or serious yolk defects. Not more than 7 percent (9 percent for Jumbo size) Checks are permitted and not more than 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(b) *U.S. Grade A.* (1) U.S. Consumer Grade A (at origin) shall consist of eggs which are at least 87 percent A quality or better. Within the maximum tolerance of 13 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over  $\frac{3}{8}$  inch, blood spots (aggregating not more than  $\frac{1}{8}$  inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for Jumbo size) Checks are permitted and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(2) U.S. Consumer Grade A (destination) shall consist of eggs which are at least 82 percent A quality or better. Within the maximum tolerance of 18 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over  $\frac{3}{8}$  inch, blood spots (aggregating not more than  $\frac{1}{8}$  inch in diameter), or serious yolk defects. Not more than 7 percent (9 percent for Jumbo size) Checks are permitted and not more than 1 percent

Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(c) *U.S. Grade B.* (1) U.S. Consumer Grade B (at origin) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be Checks and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(2) U.S. Consumer Grade B (destination) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be Checks and not more than 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

#### (d) Additional tolerances:

(1) In lots of two or more cases:

(i) For Grade AA—No individual case may exceed 10 percent less AA quality eggs than the minimum permitted for the lot average.

(ii) For Grade A—No individual case may exceed 10 percent less A quality eggs than the minimum permitted for the lot average.

(iii) For Grade B—No individual case may exceed 10 percent less B quality eggs than the minimum permitted for the lot average.

(2) For Grades AA, A, and B, no lot shall be rejected or downgraded due to the quality of a single egg except for Loss other than blood or meat spots.

18. Section 2856.217 is revised to read as follows:

### § 2856.217 Summary of grades.

The summary of U.S. Consumer Grades for Shell Eggs follows as Table I and Table II of this section:

**Table I.—Summary of U.S. Consumer Grades for Shell Eggs**

U.S. consumer grade (origin)	Quality required <sup>1</sup>	Tolerance permitted <sup>2</sup>	
		Percent	Quality
Grade AA.....	87 percent AA.	Up to 13.....	A or B. <sup>3</sup>
.....	.....	Not over 5.....	Checks. <sup>4</sup>
Grade A.....	87 percent A or better.	Up to 13.....	B. <sup>5</sup>
.....	.....	Not over 5.....	Checks. <sup>5</sup>
Grade B.....	90 percent B or better.	Up to 10.....	Checks.
Grade AA.....	72 percent AA.	Up to 28 <sup>4</sup> .....	A or B. <sup>5</sup>
.....	.....	Not over 7.....	Checks. <sup>6</sup>
Grade A.....	82 percent A or better.	Up to 18.....	B. <sup>5</sup>
.....	.....	Not over 7.....	Checks. <sup>6</sup>
Grade B.....	90 percent B or better.	Not over 10.....	Checks.

<sup>1</sup> In lots of two or more cases, see Table II of this section for tolerances for an individual case within a lot.

<sup>2</sup> For the U.S. Consumer grades (at origin), a tolerance of 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination is permitted, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

<sup>3</sup> For the U.S. Consumer grades (destination), a tolerance of 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination is permitted, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

<sup>4</sup> For U.S. Grade AA at destination, at least 10 percent must be A quality or better.

<sup>5</sup> For U.S. Grade AA and A at origin and destination within the tolerances permitted for B quality, not more than 1 percent may be B quality due to air cells over  $\frac{3}{8}$  inch, blood spots (aggregating not more than  $\frac{1}{8}$  inch in diameter), or serious yolk defects.

<sup>6</sup> For U.S. Grades AA and A Jumbo size eggs, the tolerance for Checks at origin and destination is 7 percent and 9 percent, respectively.

**Table II.—Tolerance for Individual Case Within a Lot**

U.S. consumer grade	Case quality	Origin (percent)	Destination (percent)
Grade AA.....	AA (min).....	77	62
	A or B.....	13	28
	Check (max).....	10	10
Grade A.....	A (min).....	77	72
	B.....	13	18
	Check (max).....	10	10
Grade B.....	B (min).....	80	80
	Check (max).....	20	20

### §§ 2856.221, 2856.222, 2856.223 [Reserved]

19. Sections 2856.221, 2856.222, 2856.223 are removed and the section numbers are reserved.

20. In § 2856.226, paragraphs (d), (e), and (f) are removed, and paragraphs (a), (b), and (c) are revised to read as follows:

### § 2856.226 Grades.

(a) "U.S. Specials—% AA Quality" shall consist of eggs of which at least 20 percent are AA quality; and the actual percentage of AA quality eggs shall be stated in the grade name. Within the maximum of 80 percent which may be below AA quality, not more than 7.5 percent may be B quality, Dirties, or Checks in any combination and not more than 2.0 percent may be Loss.

(b) "U.S. Extras—% A Quality" shall consist of eggs of which at least 20 percent are A quality; and the actual total percentage of A quality and better shall be stated in the grade name. Within the maximum of 80 percent which may be below A quality, not more than 11.7 percent may be Dirties or Checks in any combination and not more than 3.0 percent may be loss.

(c) "U.S. Standards—% B Quality" shall consist of eggs of which at least 84.3 percent are B quality; and the actual total percentage of B quality and better shall be stated in grade name. Within the maximum of 15.7 percent which may be below B quality, not more than 11.7 percent may be Dirties or Checks in any combination and not more than 4.0 percent may be Loss.

21. Section 2856.227 is revised to read as follows:

**§ 2856.227 Summary of grades.**  
A summary of the United States Wholesale Grades for Shell Eggs follows as Table I of this section:

**Table I.—Summary of U.S. Wholesale Grades for Shell Eggs**

Wholesale grade designation	Minimum percentage of eggs of specific qualities required <sup>1</sup>			Maximum tolerance permitted (lot average)		
	AA quality	A quality or better	B quality or better	B quality dirties and checks (percent)	Dirties and checks (percent)	Loss (percent)
U.S. specials—percent AA quality <sup>2</sup>	20	( <sup>2</sup> )	( <sup>4</sup> )	7.5		2
U.S. extras—percent A quality <sup>2</sup>		20	( <sup>2</sup> )		11.7	3
U.S. standards—percent B quality <sup>2</sup>			84.3		11.7	4

<sup>1</sup> Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.  
<sup>2</sup> The actual total percentage must be stated in the grade name.  
<sup>3</sup> Balance.  
<sup>4</sup> None except for tolerance.

22. Section 2856.228 is revised to read as follows:

**§ 2856.228 Weight classes.**

The weight classes for United States Wholesale Grades for Shell Eggs shall be as indicated in Table I of this section.

23. Section 2856.230 is revised to read as follows:

**§ 2856.230 Grade.**

"U.S. Nest Run—% AA Quality" shall consist of eggs of current production of which at least 20 percent are AA quality; and the actual percentage of AA quality eggs shall be stated in the grade name. Within the maximum of 15 percent which may be below A quality, not more than 10 percent may be B quality for shell shape, interior quality (including meat or blood spots), or due to rusty or blackish-appearing cage marks or blood stains, not more than 5 percent may have adhering dirt or foreign material on the shell 1/2 inch or larger in diameter, not more than 6 percent may be Checks, and not more than 3 percent may be Loss. Marks which are slightly gray in appearance and adhering dirt or foreign material on the shell less than 1/2 inch in diameter are not considered quality factors. The eggs shall be officially graded for all other quality factors. No case may contain less than 75 percent A quality and AA quality eggs in any combination.

**§ 2856.231 [Amended]**

24. In section 2856.231, Table I is amended by removing the words "and C" and the words "texture or" from the heading reading "B and C quality for shell texture or shape, interior quality (including blood and meat spots) or cage marks 5 and blood stains" and by changing the figure "2" to "5" under the

column reading "Adhering dirt or foreign material 1/2 inch or larger in diameter."

(Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Done at Washington, D.C. on: July 21, 1981.

John Ford,  
Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-22537 Filed 8-3-81; 8:45 am]  
BILLING CODE 3410-02-M

**DEPARTMENT OF JUSTICE**

**Immigration and Naturalization Service**

**8 CFR Part 100**

**Statement of Organization; Designation of Port of Entry for Aliens**

*Correction*

In FR Doc. 81-20892, appearing at page 36827, in the issue of Thursday, July 16, 1981, make the following correction:

On page 36827, third column, under "Supplementary Information", "8 CFR 100.4(3)" should be changed to read "8 CFR 100.4(c)(3)".

BILLING CODE 1505-01-M

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 2**

**Denial of Petition for Revoking Nuclear Plant Licenses**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Denial of a Petition requesting the NRC to revoke the licenses of all nuclear plants and all other fuel cycle facilities except those involving isolation of hazardous radioactive material.

**SUMMARY:** The Commission has determined that the petition filed by Ms. Jeannine Honicker requesting a permanent shutdown of all licensed nuclear plants and associated fuel cycle activities, except waste disposal facilities, should be denied. The Commission has found that the Honicker petition greatly overestimates the health effects caused by radioactive effluents from the nuclear fuel cycle. The Commission has also rejected the petitioner's legal argument that nuclear power must be held unlawful if it can be shown that its health impacts will include deaths among the general public.

**EFFECTIVE DATE:** August 4, 1981.

**FOR FURTHER INFORMATION CONTACT:** E. Leo Slaggie, Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 202-634-3224.

**SUPPLEMENTARY INFORMATION:**

**1. Background**

Ms. Jeannine Honicker of Nashville, Tennessee, filed before the Nuclear Regulatory Commission (NRC) a petition dated July 29, 1978 asking the Commission to revoke the licenses of all nuclear plants and virtually all other nuclear fuel cycle activities except those dealing with disposal of wastes.<sup>1</sup> The petition asserted that the nuclear fuel cycle is "inextricably intertwined with the release of deadly poisons to the biosphere." The petition claimed that "hundreds to thousands of additional cancers" are now occurring as a result of routine releases of radioactive fuel cycle effluents and that "on the order of 100 deaths will occur at the milling stage of the nuclear fuel cycle to future people for each day that fuel is 'produced.'" Petition at 126. The petition called for substantial action "to address the emergency" within thirty days.

In a letter to Ms. Honicker dated September 7, 1978 the Commission said that because the petition raised complex technical issues the Commission would await an analysis from its technical staff

<sup>1</sup> The "nuclear fuel cycle" associated with the enriched uranium-fueled power reactors used by the U.S. nuclear industry includes uranium mining and milling, production of uranium hexafluoride, isotopic enrichment, fuel fabrication, spent fuel storage and disposal, possible reprocessing of irradiated fuel, transportation of radioactive materials and management of low- and high-level wastes. Radioactive effluents and other impacts associated with waste management and reprocessing were recently discussed by the Commission in the statement of consideration supporting a final rule specifying fuel cycle impact values to be included in environmental reports and impact statements for individual light-water nuclear power reactors. See 44 Fed. Reg. 45362 (August 2, 1979).

before deciding whether the merits of the petition should be addressed in the first instance by the staff, pursuant to 10 CFR 2.206,<sup>2</sup> or by the Commission itself. The Commission concluded that no emergency action was warranted pending receipt of staff comments, "in view of [the Commission's] intent to address the matter expeditiously, and the lack of a clear demonstration of a need for emergency action."

On October 28, 1978 the staff submitted to the Commission a written analysis of the petition, SECY-78-560. The staff's response reviewed present knowledge about radiation health effects as applied to the health impacts of the nuclear fuel cycle and concluded that the Honicker petition should be denied. Rather than directing the staff to issue a denial, however, the Commission concluded that the Honicker petition constituted primarily a challenge to the adequacy of NRC's regulations and licensing standards and should, therefore, be answered directly by the Commission itself, pursuant to 10 CFR 2.802 and the Commission's general supervisory powers. The Commission informed Ms. Honicker of this conclusion in a letter dated December 7, 1978 and also reaffirmed its earlier finding that no clear need had been demonstrated for emergency relief pending full consideration and disposition of the petition. With regard to the denial of emergency relief, the letter stated:

The Commission notes that your claim that a large number of deaths will result from each day's operation of the nuclear fuel cycle rests primarily on the assertion that radon releases associated with uranium mill tailings will cause deaths among generations far in the future. The NRC has been considering what significance should be attached to these radon releases. The Commission has previously determined that an immediate shutdown of nuclear plants is not required while the radon releases associated with uranium mill tailings are under consideration.

Second, with regard to radiation health effects from fuel cycle emissions other than radon, the cumulative risks over the relatively short period before a decision on your petition can be reached should be small. The licenses which you ask the Commission to revoke were issued after careful consideration of the health and environmental impacts as well as the need for the activity being licensed. The

<sup>2</sup>Section 2.206 of Title 10, Code of Federal Regulations, provides that any person may request the Director of Nuclear Reactor Regulation, the Director of Nuclear Material Safety and Safeguards, or the Director of the Office of Inspection and Enforcement, as appropriate, to initiate proceedings to revoke licenses. The Director's response to a 2.206 request may be reviewed by the Commission on its own motion.

significance and interpretation of much of the data on which you rely are presently the subject of considerable controversy within the scientific community. Thus, the Commission has determined that these licenses should not be summarily revoked pending full review of the issues you raise.

The December 7, 1978 letter offered Ms. Honicker an opportunity to comment on the technical staff's analysis of the petition and invited her participation in an ongoing proceeding to analyze the health effects of low-level radiation as related to current occupational exposure standards. Ms. Honicker filed on January 5, 1979 a 63-page commentary on the NRC staff's analysis. The Commission asked for the technical staff's views on this commentary and also directed several specific questions to the staff on issues relevant to the petition. The staff submitted its reply on March 19, 1979. SECY-79-180.

The Three Mile Island accident on March 28, 1979 delayed the Commission's response to the Honicker petition. However, there were a number of exchanges of communications between persons representing Ms. Honicker and the NRC technical staff concerning the subject of the petition. These exchanges amounted in part to a running commentary on developments in the field of radiological health effects. In a letter dated August 6, 1979 Ms. Honicker submitted a list of 38 citations to documents released subsequent to her January 5, 1979 commentary and asked that this material be considered as part of the Commission's review. A staff memorandum dated September 13, 1979 to the Commission's Office of the General Counsel provided detailed comments on many of those documents and concluded that they did not add any significant support to the petition's arguments for a nuclear shutdown.

The staff comments and the other documents and letters referred to above are included in the administrative record underlying the Commission's present action on the Honicker petition. Additional material related to nuclear fuel cycle health effects has been recently prepared by the NRC technical staff in response to a Commission directive that an explanatory narrative be prepared for use in conjunction with the recently promulgated final fuel cycle rule ("Table S-3"). See 44 FR 45362 (August 2, 1979). The draft narrative proposed by the staff in response to this directive has been issued as a proposed amendment to the fuel cycle rule and is included in the administrative record as a source of health effects estimates relevant to the Commission's disposition of the Honicker petition. 46 FR 15154 (March 4, 1981). Other documents in the

administrative record are available for public inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC 20555.

Based on the material in the administrative record and on its legal analysis of the arguments presented in the Honicker petition, the Commission has concluded that the petition should be denied. The explanation for this decision is set out below.

## 2. Description of the Petition

The Honicker Petition bases its request for a total nuclear shutdown on the argument that radioactive effluents released in normal operation of nuclear plants and supporting fuel cycle activities are causing and will continue to cause unacceptable health effects.<sup>3</sup> The petition takes the position that if one or more fatal cancers will result from continuing the nuclear power program then the program should be terminated at once. To determine the health effects of radioactive effluents the petition relies on what it calls the "medical principle" that there is no known threshold or safe level of ionizing radiation below which such radiation can be said with reasonable certainty to pose no risk to human health. This "no threshold" hypothesis underlies the petition's estimates of various nuclear fuel cycle health effects due to very low level radiation doses and, as the petition points out, is used by the NRC itself in estimating fuel cycle environmental impacts. The petition stresses that NRC health effects estimates based on the no-threshold hypothesis show fatal cancers resulting from normal fuel cycle radioactive releases.<sup>4</sup> The petition views

<sup>3</sup>Previous requests that the Commission order a wide-scale shutdown of nuclear power activities have stressed the risk of accidents rather than the effects of normal operations. See, e.g., *Nader v. Ray*, 363 F. Supp. 946 (D.D.C. 1973). Although the Honicker petition refers to the possibility of accidental releases as a significant source of radiation health effects, the petition rests its case for a shutdown primarily on what it believes will be the health effects caused by radioactive releases in normal operations.

<sup>4</sup>For example, the petition refers to health effects estimates in the NRC's Generic Environmental Statement on the Use of Recycle Plutonium in Mixed Oxide Fuel in Light Water Cooled Reactors ("GESMO"), NUREG-002 (1978). See Petition, page 134. Calculations in NUREG-0002 follow the hypothesis that the health effects due to low-level radiation are linearly proportional to dose. The risk factors used to convert radiation doses to estimated health effects were taken from the 1972 report of the U.S. National Academy of Sciences Advisory Committee on the Biological Effects of Ionizing Radiation, "The Effects on Populations of Exposure to Low Levels of Ionizing Radiation." (This is the so-called "BEIR" report, or "BEIR-I." A more recent BEIR report, BEIR-III, was released in 1980 and is discussed in Section 4 of this denial). These risk factors for low doses and dose rates were obtained

Continued

these estimates as an admission by the NRC that lives are intentionally being sacrificed to generate electricity by nuclear power. The petition concludes that the nuclear power program therefore violates moral, statutory, constitutional and international law and should be halted at once. The petition argues that even if nuclear power were providing great economic benefits, which the petition contends it does not, such benefits could not make lawful or justified the loss of a single life. The petition states that "because human life and health are paramount considerations, the Commission may not balance the economic consequences of shutdown against any visible threat to human health."<sup>5</sup> Petition at page 129.

by extrapolation from response data at high doses and dose rates.

Nuclear fuel cycle health effects estimates obtained on this basis are given in Table IV, J-14 of NUREG-0002, captioned "Estimated Health Effects U.S. [Nuclear] Industry, 1975-2000" which gives for total U.S. occupational, U.S. nonoccupational, and foreign cancer deaths as of the year 2000 the estimates 550, 530, and 28, respectively for a projected nuclear power generation capacity of 507,000 MWe by the year 2000. Recent capacity projections are considerably lower. The Energy Information Administration's 1979 Annual Report to Congress forecast a nuclear generation capacity between 160,000 and 200,000 MWe by the year 2000. DOE/EIA-0173(79), Vol. 3, Table 5.12. On the other hand, the GESMO health effects figures, while assuming a larger industry than now appears likely, may have underestimated the contribution of long-term dose commitments to nuclear power health effects. More recent NRC estimates appear in the Commission's explanatory narrative proposed to accompany the final fuel cycle rule. 46 FR 15154 (March 4, 1981). Assuming a total of 190 nuclear power reactors—the number now operating, being built, or tentatively planned in the United States—the proposed narrative estimates, on the basis of a 100-year environmental dose commitment, an excess cancer mortality of 464 among the U.S. population, exclusive of health impacts from uranium mining and milling radon effluents. 46 FR 15167. For radon effluents the NRC technical staff has estimated that for the entire nuclear industry projected in 1985 radon releases "have a calculated potential to cause 61 premature deaths from cancer in the total U.S. population by the end of the 21st century." See "Radon Releases from Uranium Mining and Milling and their Calculated Health Effects," NUREG-0757, page iii, February 1981.

These estimates represent the results of model calculations which describe the range of health effects deemed possible but should not be taken as hard and fast predictions that these estimated fatalities will in fact occur. With current knowledge the health effects of low-level radiation cannot be predicted with confidence. It is possible that (1) no health effects at all will be caused or (2) the health effects actually caused will be greater than those estimated.

<sup>5</sup> The petition claims that shutting down the nuclear industry to avoid loss of life would not in any case involve much economic sacrifice, because the electric utility industry has "vast unused generating capacity and current inexpensive methods of energy generation that do not have associated health effects of this magnitude." Petition, page 135. The petition cites energy conservation and solar power as alternatives to nuclear power and fossil fuel combustion in meeting new electrical energy needs. Ms. Honicker's

The petition's own nuclear power health effects estimates are much larger than NRC estimates.<sup>6</sup> The petition further states that in view of potential improvements in data and analysis its own estimates "may be orders of magnitude too low" but that in any event "the best available current evidence now indicates that release to the biosphere of these poisons [*i.e.*, radioactive effluents] at any level attainable by present design of the fuel cycle constitutes a serious public health burden and a loss of life to millions of people over long periods of time." Petition at page 127. In view of these health effects of nuclear power, the petition asserts that the NRC cannot assure that the nuclear facilities it regulates can be operated "without endangering the health of the public," and that the Commission is, therefore, obliged under the Atomic Energy Act to shut those facilities down.

Going beyond the Atomic Energy Act as a basis for finding nuclear power unlawful, the petition cites the Fifth Amendment to the United States Constitution, specifically the language:

No person shall be . . . deprived of life . . . without due process of law . . .

as a prohibition against government action which imposes "upon a private citizen the risk of death, or a health

"Comments of the Petitioner's Staff on the NRC Staff Response to Her Petition for Emergency and Remedial Action" filed January 5, 1979 provides additional argument aimed at showing that replacement power and conservation options are available so that an immediate ban on nuclear power would have only small immediate economic repercussions, apart from damage to the nuclear industry itself. Concerning this damage these "Comments" note: "The 130,000 workers in nuclear fuel cycle facilities may lose their present employment. The petition has not requested their imprisonment for criminal conspiracy." Comments at page 15. In support of the position that a nuclear shutdown would in the long run be beneficial, the Comments quote extensively from literature dealing with "soft" energy technology (*e.g.*, conservation, solar heating, wind machines, organic converters) versus "hard" technology (large-scale generating facilities). In the Comments as in the petition itself, however, the question whether nuclear power is or is not economically beneficial appears to be only a *sida* issue. The Comments stress: "There can be no economic benefits at the cost of human lives and liberties." Comments at page 11 (emphasis in the original).

<sup>6</sup> In its "Summary of the Physical Evidence," page 126, the petition asserts, among other things, that "on the order of 100 deaths will occur at the milling stage of the nuclear fuel cycle to future peoples for each day that fuel is produced" [emphasis in original], that "[h]undreds to thousands of additional cancers are occurring among citizens now living in the vicinity of fuel cycle facilities due to the designed routine releases and common accidental releases of radiotoxins" [emphasis in the original], and that "[i]t he range of revised estimates for cancer and leukemia from routine fuel cycle releases is now from 100 to 1,000,000 annually."

burden which the individual citizen does not consent to bear." Petition at 142.

The petition frames the constitutional issues as follows:

May a government agency which Congress has invested with regulatory power over the imposition of poisons to the general population, set as a reasonable standard a limit which allows any number of innocent citizens to die, involuntarily, without due process, without express constitutional delegation of this power from the people, without question? Certainly not.

Petition at 143. Because practical regulatory standards for the nuclear fuel cycle must permit the release of at least a small amount of radioactive material, the petition concludes that no course other than complete shutdown of the industry can be reconciled with the Constitution.

Invoking international law as well, the petition characterizes present operation of the nuclear industry as an "intentional elevation of the death rate to an entire population" and therefore tantamount to "humanicide," a "crime of state" condemned by national and international commitments to human rights.<sup>7</sup> Petition at 136 ff. The petition further describes the nuclear power program as a "national medical experiment" involving injury and death to unconsenting subjects and, therefore, unacceptable under principles set out by the 1946 Nuremberg International Military Tribunal.

### 3. Analysis of the Petition

As support for its shutdown request the Honicker petition has raised an extensive spectrum of objections to nuclear power, including risk of serious accidents, assertedly large health impacts from normal operations, and lack of need for more electricity in general and for nuclear generation in particular. The petition touches on the impacts of virtually every stage of the nuclear fuel cycle, reproducing at length from the technical literature detailed material that is often highly controversial. Relatively little of this information is new. The NRC has considered much of it at one time or another in the past, either in challenges to licenses for particular nuclear facilities or in connection with petitions

<sup>7</sup> International declarations and covenants cited by the petition include the United Nations Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Civil and Political Rights (1966), and the American Declaration of the Rights and Duties of Man (Adopted by the Ninth International Conference of the American States, 1948). These documents typically include language guaranteeing every human being "the inherent right to life."

for rulemaking to amend certain aspects of the Commission's regulations.<sup>9</sup> What is different about the Honicker petition is its attempt to use this evidence in a much more general fashion as a basis for arguing that the entire nuclear industry should be completely and permanently shut down. Accordingly, this response focuses on the question whether the petition has identified technical or legal problems which require no lesser remedy than immediate, complete, and final shutdown of the nuclear industry.<sup>9</sup>

The petition's case for a shutdown can be divided into two distinct lines of argument. First, there is the claim that the Commission has greatly underestimated the health effects cost of nuclear power and overestimated the economic benefits. This quantitative line of argument is basically a factual challenge to findings the Commission has made in licensing and rulemaking decisions that nuclear power health effects will lie within a range deemed acceptable and that the benefits of operating licensed facilities will outweigh their adverse impacts on health and the environment.

Second, the petition argues that regardless of the quantitative details of the cost-benefit balance, a nuclear shutdown is required because, as a matter of law, even a single health effect is too much; cost-benefit analysis is irrelevant when the costs are in lives. To invoke this legal argument the petition relies on a fact not in dispute: The models and risk factors generally used to estimate the health effects caused by nuclear fuel cycle radioactive effluents all show some fatal cancers. The

petition concludes that this fact alone suffices to prove that the NRC violates the health and safety requirements of the Atomic Energy Act by licensing nuclear plants and, more fundamentally, denies inalienable rights secured by the Constitution and international law.

#### 4. Response to the Petition's Quantitative Cost-Benefit Argument

##### a. Health Effects Estimates.

The Commission believes that the best available evidence contradicts the petition's quantitative estimates of nuclear power health effects and continues to support the NRC's much lower estimates. The petition's health impact predictions are high for a variety of reasons. Sometimes the petition misreads the scientific data it cites to show that radiation health effects have been underestimated.<sup>10</sup> The petition also places great reliance on certain radiation health effects studies which have been strongly questioned by the scientific community. For example, the petition cites as an "important data base" the results obtained by Mancuso, Stewart and Kneale in a study of workers exposed to radiation at Hanford. *Health Physics*, 33:369-385 (1977). This study has been criticized recently in the 1980 report of the National Academy of Sciences Committee on the Biological Effects of Ionizing Radiation ("BEIR" Committee), "The Effects on Populations of Exposure to Low Levels of Ionizing Radiation," National Academy of Sciences, 1980 ("BEIR-III"). Finding the Hanford results unpersuasive evidence for rejecting previous radiation risk estimates, the BEIR Committee noted the low statistical power of the Hanford data and the availability of alternative explanations for the observed dose associations. The Committee stated that at present "there seems little reason to abandon the body of epidemiologic evidence on radiation-induced cancer that, although based on greater exposures, yields consistent and statistically stable estimates." BEIR-III, page 556 (page references are to the typescript edition of BEIR-III).

Other radiation health effects studies relied on by the Honicker petition were also found seriously flawed by the BEIR-III report. These include work by Najarian on cancer deaths among

workers at the Portsmouth Naval Shipyard in New Hampshire, *Lancet* 1:1018-1020 (1978), an analysis by Archer on possible correlations between variations in natural background radiation and cancer rates, *Health Physics* 34:237-247 (1978); analysis of the tri-state leukemia survey by Bross and Natarajan, *J. Amer. Med. Assoc.* 237:2399-2401, 1977; testimony by Bross before the U.S. Senate Committee on Commerce, Oversight Committee for Radiation Safety and Health, June 17, 1977; and studies by E. J. Sternglass (report on "Changes in Infant Mortality Patterns Following the Arrival of Fallout from the September 26, 1976 Chinese Nuclear Weapon Test" presented to the BEIR Committee July 18, 1977). See comments in BEIR-III, pages 553-568. The BEIR-III report found that none of these investigations justified a conclusion that previously accepted estimates of radiological risk were much too low, although the Committee stated that low-dose radiation effects on cell membranes, a radiation damage mechanism emphasized by Dr. Sternglass, merited further study. BEIR-III, pp. 561-566.

Overall, the 1980 BEIR-III Report discussion of radiological risk does not bear out the petition's speculations that radiation risk factors set out in the 1972 BEIR report and used by the NRC<sup>11</sup> would turn out to be much too low. Although a simple comparison of risk factors cannot readily be made because the 1980 report has adopted a more complicated model for estimating cancer risks than the linear dose response model used in the 1972 report, the BEIR-III Committee has made no major qualitative change from its 1972 assessment of radiological risk. For low LET (linear energy transfer) radiation, the Committee found that the 1972 linear hypothesis risk assessments might well be too high.<sup>12</sup> For high LET radiation, the Committee saw a possibility that the linear hypothesis might underestimate risk at low doses but, consistent with its appraisal of the studies cited in the Honicker petition, apparently saw no indication that the potential underestimate was sufficiently serious to require revision of previous risk

<sup>9</sup>For example, in responding to a 1976 petition by the New England Council on Nuclear Pollution the Commission addressed much the same arguments and evidence on health effects associated with radon releases from uranium mill tailings which the Honicker Petition invokes in arriving at the major portion of the fatalities which the Petition sees as a consequence of nuclear power. See 43 FR 15613 (April 14, 1978). The same issues are presently being addressed in licensing proceedings for a number of individual nuclear plants. See the *Motters of Philadelphia Electric Co.* (Peach Bottom Atomic Power Station, Units 2 and 3), etc., ALAB-562, 10 NRC 437 (1979). In a recent rulemaking the Commission set out regulations and standards for the disposal of mill tailings aimed at keeping radon releases within acceptable limits. 45 FR 85521 (October 3, 1980).

<sup>10</sup>We proceed on the assumption that the Commission would have the authority to grant the requested relief, though it is not clear that the Commission could in fact order the permanent shutdown of the entire nuclear industry, as distinct from shutting down specific facilities pending correction of safety or environmental problems. The Supreme Court has indicated that resolution of such "fundamental policy questions" as the "choice to at least try nuclear energy" has been made by the Congress. See *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519 (1978) at 557, 558.

<sup>11</sup>The NRC staff, in responding to the petitioner's claim that the biological effects of some forms of low-level radiation are much higher than federal regulatory authorities have assumed, has pointed out that the petition mistakenly relied on irrelevant data taken at high exposures and applied an erroneous graphical analysis which, if correct, would in fact show that at sufficiently low exposures no health effects would occur. See SECY-78-560, p. 38 ff.

<sup>12</sup>See note 4 above.

<sup>13</sup>The National Council on Radiation Protection and Measurements (NCRP) has also concluded that use of the linear hypothesis to estimate human health effects of low-LET radiation at low doses and low-dose rates based on data at high doses and dose rates, may overestimate those effects by a factor of between 2 and 10. See Chapter 12 of NCRP Report No. 64, "Influence of Dose and Its Distribution in Time on Dose-Response Relationships for Low-LET Radiation."



estimates. The BEIR-III Committee summarized its position as follows:

It is by no means clear whether dose rates of gamma or x radiation of about 100 mrad/yr are in any way detrimental to exposed people; any somatic effects would be masked by environmental or other factors that produce the same types of health effects as does ionizing radiation. It is unlikely that carcinogenic effects of low-LET radiation administered at this dose rate will be demonstrated in the foreseeable future. Notwithstanding these limitations, the Committee recognizes the need to estimate the effects on human population exposed to radiation at very low doses. In most cases, the linear hypothesis, as the 1972 BEIR report indicated, probably overestimates, rather than underestimates, the risk from low-LET radiation. For high-LET radiation, such as from internally deposited alpha-emitting radionuclides, the application of the linear hypothesis is less likely to lead to overestimates of risk and may, in fact, lead to underestimates.

BEIR-III, page 187.<sup>13</sup>

With regard to genetic effects, the BEIR-III report notes:

Although the Committee used a new method of estimating genetic effects expressed in the first generation, the present estimates of genetic effects are not notably different from those of the 1972 BEIR report.

BEIR-III, page 7. In sum, the findings of the BEIR-III report do not support the proposition that NRC health effects estimates based on 1972 BEIR risk factors need substantial revision.<sup>14</sup>

<sup>13</sup> Regulations of the Environmental Protection Agency covering most nuclear fuel cycle operations, 40 CFR Part 190, are intended to assure that these operations will be conducted so that resulting radiation exposures to members of the public will be kept well below 100 mrad per year. See 40 CFR 190.10. Fuel-cycle-originated releases of radon, which are excepted from the EPA rules, are covered by standards established by the NRC. These releases are associated with the mining and milling of uranium and disposal of tailings. Resultant health effects primarily involve high-LET radiation. Generally, the NRC standards for milling operations and tailings disposal assure that resulting radon exposures will be no more than a small percentage of background exposure to radon already naturally present. See Final Generic Environmental Impact Statement on Uranium Milling, NUREG-0706, September 1980, pages 12-13-12-15 and table 12.2. II. Risks associated with such radon exposures were described in note 4, below, and are also discussed later on in this response. See text associated with notes 15, 16, and 17.

<sup>14</sup> The Commission is aware of recently publicized studies of the Hiroshima radiation exposure data which raise questions about whether BEIR-III may have underestimated the hazards of low-LET radiation. See "New A-Bomb Studies Alter Radiation Estimates," *Science*, Vol. 212, p. 900, May 22, 1981. In advance of further exposition and peer review it would be premature to draw precise quantitative conclusions about the changes, if any, which re-interpretation of the Hiroshima data might introduce into the radiological risk factors used by the NRC. Because the NRC has assumed that low-LET radiation is potentially harmful, even at low doses and dose rates, and has used the linear, no-threshold model for estimating health effects, the

Another reason for the petition's attribution of excessive health consequences to nuclear power is that the petition takes inadequate account of measures short of shutting down the entire fuel cycle which can be taken to reduce radioactive releases, if the need is demonstrated, to keep potential health effects well below the high levels the petition predicts. The petition also assumes overly pessimistic scenarios in assessing the effects of fuel cycle releases on future generations. The petition repeatedly argues that fuel cycle activities involve a "death commitment" of 80 to 100 deaths per day (see, e.g., Petition at 126, 127). This point does not refer to near-term fatalities but rather to cancers which the petitioner believes will occur over future generations over tens of thousands of years.<sup>15</sup>

As support for its view that radon from tailings piles presents a serious and unavoidable hazard, the petition cites a 1977 memorandum by Dr. Walter Jordan, a member of the Commission's Atomic Safety and Licensing Board Panel. In his memorandum Dr. Jordan pointed out that earlier NRC staff estimates of fuel cycle radon releases had erroneously ignored the continuing radon generation in tailings piles for many thousands of years. He noted that seepage of this radioactive gas could lead to large total doses to future generations. Using radon release figures which assume existence of a two-foot thick cover over the tailing to limit seepage,<sup>16</sup> Dr. Jordan estimated that deaths and genetic effects in future generations resulting from the annual fuel requirement for a single reactor "can run into the hundreds." Taking the rate to be 400 deaths per reactor annual

Commission does not see any need to change its qualitative perception of radiological risk at this time. The NRC technical staff has reported to the Commission that the suggested revisions, if borne out by further study, would lead to quantitative changes in current risk estimates at most on the order of a factor of two. This magnitude of change would not affect the Commission's views on the merits of the Honicker petition.

<sup>15</sup> Radon-222, an alpha particle emitter, has only a four-day half-life, but will be continuously generated in tailings piles by the decay of Radium-226, which has a half-life of about 1600 years, and which in turn is the daughter product of Thorium-230, a radionuclide which has a half-life of about 86,000 years.

<sup>16</sup> The petition states that Dr. Jordan's figures assumed "optimum management of the tailings." Petition, page 42. This is incorrect. As is discussed in the text below, methods of tailings pile stabilization far more effective than adding a two-foot earth cover are now available and cost-effective. Recent NRC regulations favor below-grade disposal and require earth cover of not less than three-meters, stabilized so as to reduce to negligible amounts the potential for significant wind and water erosion. See amendments to 10 CFR Parts 30, 40, 70 and 150, 45 Fed. Reg. 65521 (October 3, 1980).

fuel requirement and apparently assuming 70 operating reactors, the petition concluded that "the loss of life among future citizens from each year's commitment to the nuclear fuel cycle is 28,000 [or on the order of 80 lives per day of fuel cycle operation] from the mill tailings alone." Petition at 42.

If this petition were correct, it would make nuclear power almost as dangerous as the automobile and would call for prompt remedial action. However, it is unrealistic, because NRC is now taking measures to reduce radon releases from tailings piles. NRC regulations promulgated since the filing of the petition are intended to assure that mill tailings piles will be abandoned with no more than a minimal amount of covering and left without further attention. See Amendments to 10 CFR Parts 30, 40, 70 and 150, 45 FR 65521 (October 3, 1980).

The new regulations, promulgated to implement the Uranium Mill Tailings Radiation Control Act of 1978, Public Law 95-604 (92 Stat. 3037), take account of "the inescapable fact that the tailings will \* \* \* remain hazardous for extremely long periods of time." The regulations set radon emission limits aimed at assuring "that radon exhalation rates (from tailings-disposal sites) will be within the range of flux rates occurring naturally from nearby soils." 45 FR 65525. To cope with the need to maintain these rates for extremely long periods these regulations incorporate design features to make disposal sites "similar to land forms which have been known to be stable for extremely long periods of time \* \* \* . In general, the condition of tailings disposal sites should be virtually the same as those in surrounding environs and should remain so without active care and maintenance." In the Final Generic Environmental Impact Statement on Uranium Milling, NUREG-0706, September 1980, the NRC technical staff estimated that .040 potential annual premature cancer deaths might result from continuous long-term radon releases from mill tailings generated in North America until the year 2000, assuming the tailings are disposed of in accordance with the new requirements. See NUREG-0706, Section 12.3.4.4. For comparison, the staff estimated a continuing annual rate of six premature cancer deaths if no tailings control measures are implemented. NUREG-0706, page 5.

The control measures required by the NRC are thus expected to reduce the estimated potential health effects of radon releases by more than two orders of magnitude. It would appear

technically possible though very expensive to reduce these releases to zero, in effect improving upon natural conditions prior to the mining of uranium, by requiring some kind of extremely deep burial of the tailings. The control standards now in force reflect the Commission's view that the costs of achieving complete isolation of tailings would not be justified by the highly uncertain additional benefits.<sup>17</sup>

As this discussion of radon releases illustrates, the petitioner's claims that the nuclear fuel cycle creates excessive radiological risk, even if correct, do not state a case for the total shutdown the petitioner requests, so long as relief would be available through additional control measures, either industrywide or at particular facilities as appropriate. The radon health effect evidence cited by the petition demonstrates a need for improved regulation of mill tailings disposal. The Commission believes its recent rule amendments have fulfilled this need. Similarly, with regard to fuel cycle radioactive releases other than radon, the appropriate remedy for an unacceptably high release level would be additional control measures to limit the release.

The Commission has confidence that its regulatory program keeps radioactive releases within acceptable limits. Each facility which the Commission licenses is reviewed at the time of licensing to assure that radiation exposures due to facility operation not only will be less than maximum permissible limits set out in 10 CFR Part 20, but also will be kept "as low as reasonably achievable" ("ALARA"). See 10 CFR 20.1 and 10 CFR Part 50, Appendix I. By the ALARA standard the Commission does not mean "as low as possible" but rather "as low as reasonably achievable taking into account the state of technology, and the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the utilization of atomic energy in the public interest." 10 CFR 20.1(b). The ALARA approach thus expresses the Commission's view that radiation exposures should be kept at or below a level justified by the benefit of the operation which produces them. The Commission recognizes, however, that at some point the cost of reducing the exposure still further may become so

<sup>17</sup> Petitions for review of the Commission's uranium milling license requirements are presently before the U.S. Court of Appeals for the Tenth Circuit in consolidated cases, *Kerr-McGee Corporation, et al. v. NRC*, Nos. 80-2043, 80-2229, 80-2269, and 80-2271. The petitioners have contended that the regulations are unnecessarily strict.

great in terms of financial outlays, foregone opportunities, or both that it is unreasonable to require a further reduction. Under the ALARA principle, the fact that a licensed facility releases radioactive effluents that can cause potential health effects would not in itself constitute an argument for shutting down the facility. Indeed, the facility would not have been licensed in the first place without a finding by the Commission that the radiological impact of the facility is justified by a countervailing benefit and could not be reduced still further without a cost that would exceed the benefit of the reduction. This is not to say that the Commission has necessarily struck the right balance in every licensing action or that nuclear fuel cycle radiation exposures are at an all-time irreducible minimum. If the Commission's previous decisions now need modification, however, means for correction and change are readily available.

In summation, the petition is correct in saying there are some potential health costs of nuclear power, but the petition has failed to show that these costs are likely to be significantly different from the estimates the Commission has used in finding that licensed nuclear facilities, though not risk-free, will operate with adequate protection for public health and safety. The appropriate response to reducing excessive radiation health effects, if these were demonstrated, would in any case focus on changes at particular facilities or amendments to particular regulations rather than termination of the industry. The petition's quantitative analysis greatly overestimates nuclear fuel cycle health effects and does not state a case for permanently shutting down the entire nuclear industry.

b. *Consequences of a Shutdown.* In addition to making a safety finding, before authorizing construction of a nuclear plant the Commission evaluates the environmental impact of the proposed facility (which includes potential impact on human health), as required by the National Environmental Policy Act of 1969 (NEPA), and determines whether the need for the facility offsets the environmental costs. See, e.g., *Kansas Gas and Electric Co., et al.* (Wolf Creek Generating Station, Unit 1), ALAB-462, 7 NRC 320, 327 (1978). The petition claims, however, that the nuclear power program—approximately 10 percent of U.S. generating capacity—could be shut down immediately without loss of benefits to anyone except the industry itself.<sup>18</sup> As its sole justification for this claim the petition cites data indicating

<sup>18</sup> See note 5 above.

that the electrical power industry has a capacity 32 percent in excess of peak load demands.<sup>19</sup> The petitioner appears to believe that any set of generating facilities constituting a percentage smaller than the "excess capacity" can be dropped from the system without cost to the public, regardless of location of the plants, their newness or obsolescence, relative operating cost, or any other factors which might otherwise be thought to bear on the need for a particular power plant.

The Commission has a number of problems with this conclusion. A substantial amount of excess capacity beyond peak load demands, normally 15% to 25%, is needed as a normal reserve against foreseeable contingencies (i.e., scheduled and forced outages). Furthermore, the aggregate U.S. reserve margin does not by itself convey much information about the need for particular facilities, because this margin averages out levels of excess capacity and levels of insufficient capacity that may exist in specific systems or reliability councils. For example, during the summer of 1980, although reserves for the U.S. as a whole were adequate, specific systems faced load-shedding and other reliability problems.<sup>20</sup>

Nuclear plants generally function as base load units intended to operate on a more or less continuous basis. Even when there is unused capacity, the nuclear units are not the ones which stand idle. The immediate shutdown of these facilities would in most cases lead to their replacement by older, less reliable fossil-fueled power plants with higher economic costs and potential health impacts of their own. In certain areas of the country where there has been a major commitment to nuclear power, the shutdown of all nuclear plants could cause serious shortages and hardship.

The petition has not established that "excess capacity" has eliminated any significant benefit from nuclear power, nor does it deal with the likelihood that the power that would replace the nuclear units would be more expensive

<sup>19</sup> More recent figures show that in July 1980 the peak load reserve margin, defined as the ratio of the difference between the system net capability and the peak load to the peak load itself, was approximately 30 percent. *Electric Power Monthly*, August 1980, U.S. Department of Energy, Energy Information Administration, DOE/EIA-0226 (80/08), Table 15, page 29. In 1980 nuclear power produced approximately 10.9% of all electricity generated in the United States. Nuclear power facilities now constitute slightly more than 10% of United States electrical generating capacity.

<sup>20</sup> In July 1980 the effective peak load reserve margin was reported to be 8%. *Electric Power Monthly*, August 1980, Table 14, page 28.

than the nuclear power and that some replacement power would contravene national policy by using foreign oil. The possibility remains open that conservation or a switch to new technologies may eventually reduce or even eliminate the need for some nuclear generating facilities, the feasibility and timing of any such replacement would depend strongly on individual situations. However, the petition does not make a case for shutting down the entire nuclear industry. For most plants, the Commission determined that the plants were needed at the time they were licensed. The fact that plants are being used to generate electricity demonstrates their present need.

##### 5. Response to the Petition's Legal Argument

The Commission recognizes that the Honicker petition does not oppose the nuclear power program solely or even primarily because of quantitative arguments about which way the cost-benefit balance tips. The petition asserts that, regardless of economic benefit the Commission cannot lawfully authorize activities which will cause cancer deaths among the general population. The petition has noted that the Commission's own estimates of nuclear power health impacts include a number of radiologically induced cancer deaths among present and future populations.<sup>21</sup> Changes in nuclear technology that might reduce these health impact estimates to zero are not now foreseeable. Thus, if the law in fact prohibited licensing of nuclear plants so long as their impacts include cancer fatalities, the petition's legal argument would state a case for a shutdown of the industry.

The petition sees such a prohibition in the Fifth Amendment to the Constitution:

No person shall be \* \* \* deprived of life, liberty, or property, without due process of law. \* \* \*

<sup>21</sup> The Commission assumes for the purposes of this response that in accordance with these estimates a small number of fatalities will actually be caused by radioactive releases from licensed nuclear fuel cycle activities. As we have noted previously in note 4, however, present knowledge of radiological risk is not sufficient to allow firm predictions that radiologically induced human cancers will in fact result from population exposure to the low doses and dose rates caused by releases by nuclear fuel cycle activities in normal operations. Because the estimated effects are small and indistinguishable compared to the number of fatal cancers occurring for other reasons, there seems little likelihood that either the presence or absence of cancers caused by normal fuel cycle releases can be confirmed by direct measurement.

The Commission would readily accept the proposition that this language forbids the federal government to authorize or carry out without due process of law an activity which has the purpose of taking lives of persons under the protection of the laws of the United States. The nuclear power program, however, is not such an activity. The purposeful taking of life has no part in the licensing of nuclear fuel cycle facilities. Any resulting harm is an entirely unwanted side effect to be minimized or eliminated where practicable, and risks are distributed more or less uniformly among the public at large rather than directed by State action at particular pre-selected individuals or groups. The petition has cited no legal authority to show that the reach of the Fifth Amendment extends to such government action.

The protection of life in the Fifth and Fourteenth Amendments has been applied by the courts to proscribe government action taken with the overt purpose of depriving particular individuals of life. See, e.g., *Screws v. United States*, 325 U.S. 91 (1945). The petition has cited no cases where the elements of purpose and particularity were missing.<sup>22</sup> Rather than presenting support for its broad interpretation of the constitutional protection of life, the petition has focused instead on the meaning of "due process of law," citing a few authorities which equate due process in the context of deprivation of life with court proceedings and safeguards for persons accused. Petition, page 142. The requirements for due process involving "trials" of an "accused" do not apply to the regulation of nuclear power. The petition's due process analysis thus does not support its attempt to apply the constitutional protection of life outside the field of police and judicial action.

The Fifth Amendment does not proscribe all government activity which includes loss of life among its foreseeable effects. Such a constitutional prohibition would have a disruptive effect on society, since nuclear power is not the only

government-authorized activity which foreseeably can lead to deaths among members of the public. In transportation, an example of an activity subject in many aspects to licensing or other government authorization, even without negligence some fatal accidents are certain to occur, on occasion causing deaths not only to persons who have voluntarily subjected themselves to the risk of travel but also to unfortunate bystanders. In any large-scale private or government activity involving the use or licensing of vehicles, accidental deaths can be expected. Health impacts also appear likely to result from industrial and vehicular emissions which government affirmatively authorizes or at least declines to prohibit, often solely in the interest of furthering economic activity.<sup>23</sup> It appears likely that many government actions affecting a complex society with a population over two hundred million could be connected by a plausible chain of causality to at least a small number of premature deaths. Presumably, under the petition's interpretation of the Fifth Amendment, all these activities would have to cease. Logically, however, the cessation, would be equally unconstitutional because the licensed activities—ambulances or power plants—also save lives.

Similarly, in the protection-of-life language of the various treaties and international covenants cited by the petition the Commission sees an effort to protect individuals against government action purposefully aimed at killing. The petition's broader reading encounters the same social and practical objections which make its interpretation of the Fifth Amendment unacceptable. Accordingly, the Commission finds that the petition has failed to show that either the Constitution or international law applies to the health impacts of nuclear power in any manner that requires a halt to the licensing of nuclear power plants.

Absent constitutional restraints, the power to determine the conditions under which the Commission can license nuclear plants lies with Congress. The Atomic Energy Act of 1954 authorizes the Commission to issue licenses for

<sup>22</sup> The Supreme Court appears to have stressed that for the Fifth and Fourteenth Amendments to apply, the threat to life must be borne by particular, ascertainable individuals rather than the public at large. Recently, in *Martinez v. State of California*, 444 U.S. 277 (1980), the Court held that a victim murdered by a State mental hospital parolee had not been deprived of life without due process of law in the constitutional sense, even though the Court assumed the State knew or should have known that the parolee's release "created a clear and present danger that such an incident would occur." *Id.* at 280. The Court noted that "the parole board was not aware that [the victim], as distinguished from the public at large, faced any special danger." *Id.* at 285.

<sup>23</sup> Quantitative health effects estimates for generation of electricity by burning of coal also show premature deaths. Some studies have concluded these health effects will be substantially greater than those for the nuclear fuel cycle. See, e.g., R. L. Gotchy, "Health Effects Attributable to Coal and Nuclear Fuel Cycle Alternatives," draft, NUREC-0332 (1977). See, also, "Energy in Transition, 1985-2010," Final Report of the Committee on Nuclear and Alternative Energy Systems ("CONAES"), National Research Council, National Academy of Sciences, Washington, D.C., published by W. H. Freeman and Company (1979).

nuclear power plants upon a finding that the facility "will provide adequate protection to the health and safety of the public." 42 U.S.C. 2232(a). Congress did not elaborate further on the meaning of "adequate protection," but it is reasonable to conclude that such a standard, as distinguished for example from "absolute" protection, left room for some degree of health impact on the public commensurate with the benefits of having a nuclear power program.<sup>24</sup> "Adequate" protection implies a realistic judgment. This choice of language by a Congress obviously aware of the realistic costs of technological and economic development does not suggest an intent to declare any loss of life whatsoever an unacceptable impact.<sup>25</sup>

The courts have uniformly confirmed that "[a]bsolute or perfect assurances are not required [by the Atomic Energy Act], and neither present technology nor public policy admit of such a standard." *Citizens for Safe Power v. NRC*, 524 F.2d 1291, 1297 (D.C. Cir. 1975). *Accord*, *Natural Resources Defense Council v. NRC*, 582 F.2d 166, 166 (2d Cir. 1978). Moreover, since the alternatives to a nuclear power plant, including the alternative of getting by with less electricity, carry health impacts which are also likely to include some deaths, a nuclear facility could not reasonably be deemed to provide inadequate protection solely on the ground that its estimated fatality impact was greater than zero. The Commission thus rejects the petition's argument that nuclear plants must be held *per se* unlawful

<sup>24</sup> The Commission is now conducting a safety goal program aimed at articulating more clearly what the safety objectives in regulation of nuclear power should be. See 45 Fed. Reg. 71023 (October 27, 1980).

<sup>25</sup> With regard to work place hazards Congress has been explicit about its intent to tolerate harmful and possibly fatal occupational exposures to dangerous materials when complete protection is impractical. Section 6(b)(5) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 *et seq.*, directs the Secretary of Labor to set standards for exposure to certain toxic materials

which most adequately assures, to the extent feasible . . . that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life.

29 U.S.C. 655(b)(5) (emphasis supplied). In *Industrial Union Department, AFL-CIO v. American Petroleum Institute*, 48 U.S.L.W. 5022 (decided July 2, 1980), the Supreme Court reviewed and rejected an OSHA standard placing strict limits on occupational exposure to benzene, a known carcinogen with no safe level of exposure yet determined. The Court saw no constitutional or statutory barrier to retaining an earlier standard allowing higher exposures, even though there was evidence that OSHA's stricter but still feasible standard might prevent one or two deaths over a six-year period. 48 L.W. 5034.

under the Atomic Energy Act if their operation will cause deaths.

The above findings dispose of the petition's legally cognizable objections to nuclear power, but the Commission does not wish to conclude this response without some attention to the petition's argument that nuclear power is morally reprehensible and an "outrage" to the conscience. Petition: at 150.

This Commission does not sit as an arbiter of any national morality alleged to exist apart from the Constitution and the laws of Congress, which each Commissioner is sworn to uphold. Nor does any other Commission. Nor does any Court. While the Commission brings its best judgment to the task of applying the phrases "adequate protection" or "no undue risk" to individual cases, we do not do so in a vacuum. A country that builds highways, that licenses airplanes, that regulates coal mines, has clearly not established "zero risk" or "zero deaths" as a legal or a moral absolute.

If the petitioners feel that the statutory standards applying to nuclear power are not stringent enough on moral grounds, they must make that case to the Congress. The morality embodied in the existing statutes is not the one that they urge, and we have no power to change that.

That much having been said, however, we also note that we do not find nuclear power morally offensive. We agree that a decision to license nuclear plants has moral implications which deserve serious consideration, since the operation of these plants will cost human lives.<sup>26</sup>

With all respect to the sincerity of Ms. Honicker's convictions on the matter, however, the Commission does not believe that a moral case against nuclear power is made out simply by noting the potential linkage between radioactive effluents and fatal cancers. As we have discussed previously, the class of socially useful activities which include among their consequences unintended, undesired, but probably unavoidable deaths is broad and too closely integrated into modern social and economic structure to be labelled morally unacceptable by the government unless the Congress should choose to do so. Furthermore, a moral judgment on nuclear power must recognize that any of the alternatives, whether use of different technologies for generating electricity or social readjustments for achieving conservation on a major scale, if examined sufficiently closely can almost certainly be linked to at least a few deaths. Thus moral distinctions among

the various choices for a policy on electricity generation cannot turn simply on whether a particular choice will cause deaths. They all will. If moral judgments are ultimately to be made about nuclear power, they will have to rest on complex criteria, quantitative where possible, rather than on appealingly simple but unusable principles like "even one death is too many."

Insistence on a simplistic approach to difficult technological issues may actually increase risks to society. For example:

Each individual or group that makes recommendations, or otherwise takes actions affecting national priorities, bears some responsibility for any adverse effects. Thus an individual who effects the banning of DDT in a tropical country may inadvertently cause far more deaths than he defers, since the incidence of malaria will then increase. Similarly, if coal-burning electric generating plants are found to cause far more premature deaths than nuclear power plants (in agreement with most published estimates), an individual or agency that successfully advocates the construction of coal-burning plants instead of nuclear power plants may be responsible for unnecessary deaths. If the media should present an unbalanced perspective on some aspect of risk in society, and this causes risk-reduction priorities to be set inefficiently and even wrongly, the responsible media would, in effect, be contributing to the causing of premature deaths that might otherwise have been averted.

David Okrent, "Comments on Societal Risk," *Science*, Vol. 208, pp. 373, 374 (April 25, 1980).

Nonetheless, costs in human lives stand apart from other costs. For the reasons we have discussed, some deaths from activities with the scope and value of nuclear power are "acceptable," at least in the sense that the Congress, the Executive, and the Judiciary know about them and accept them.

The benefit provided by nuclear power, generation of electricity, is clearly of great value to society. Although the program is not free of hazards, the risks to any individual are slight. The number of deaths estimated to result from the nuclear power program is extremely small compared to the number of persons benefitted, and it may be expected that all reasonable means to reduce the health impacts still further will be taken as they are discovered. Realistic alternatives to the nuclear power plants now under license would carry a cost in lives comparable to and in all probability greater than the impacts estimated for the nuclear plants. That is why the estimated fatalities from the nuclear power program do not

<sup>26</sup> See notes 4 and 22 above.

mandate a shutdown of the industry for reasons either of law or of conscience.

For the reasons given in the foregoing analysis, the Commission has denied the Honicker petition.

It is so ordered.

For the U.S. Nuclear Regulatory Commission.

Dated at Washington, D.C., this 28th day of July 1981.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-22533 Filed 8-3-81; 8:45 am]

BILLING CODE 7590-01-M

## DEPARTMENT OF ENERGY

### 10 CFR Part 780

#### Patent Compensation Board Regulations

**AGENCY:** Department of Energy.

**ACTION:** Final Rule.

**SUMMARY:** The Department of Energy ("DOE") is revising its Patent Compensation Board ("Board") regulations issued in 1975 by the Atomic Energy Commission. These regulations set forth the requirements for initiating proceedings before the Board and the procedures to be followed in such proceedings.

**EFFECTIVE DATE:** September 3, 1981.

**FOR FURTHER INFORMATION CONTACT:** Judson R. Hightower, Office of the Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20585, (202) 252-2813.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On February 13, 1981, DOE issued a notice of proposed rulemaking to give notice of and obtain public comment on proposed revised Patent Compensation Board Regulations (46 FR 13519; February 23, 1981). The proposed regulations are substantially the same as the Patent Compensation Board Regulations (10 CFR Part 780) currently used by DOE with the addition of the requirements set forth in: (1) 10 CFR Part 702, Subpart C, which prescribes the procedures for declaring a patent to be affected with the public interest pursuant to section 153a of the Atomic Energy Act of 1954 (42 U.S.C. 2187, hereinafter the "Act") and for granting a license pursuant to sections 153b and 153e of the Act; (2) 10 CFR 781.70-72, which set forth the requirements of applications for licenses under section 153a of the Act and the conditions of licenses issued pursuant to section 153b of the Act; and (3) 10 CFR 781.80-83,

which provide the requirements of applications for licenses under section 153c of the Act and the conditions of licenses issued pursuant to section 153e of the Act.

As of March 25, 1981, the announced closing date for submitting public comments on the proposed regulations, we had received no comments. Accordingly, no changes have been made to the proposed regulations.

##### II. Procedural Matters

DOE has determined that these regulations are not a major rule, as defined by Executive Order 12291. Pursuant to that Executive Order, these regulations have been reviewed by the Office of Management and Budget.

In accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601) the Secretary certifies that these regulations will not have a significant impact on a substantial number of small entities. This certification is based on the fact that only six cases have been brought before the Patent Compensation Board by small entities in the past twenty years. Under the regulations no substantial increase in the number of cases annually brought before the Board is anticipated. Since only a few applications by small entities are anticipated, the number of cases would be too small to warrant a finding that the regulations would have a significant impact on a substantial number of small entities.

DOE also has determined that these regulations are exempt from the Office of Management and Budget approval requirements specified in 44 U.S.C. 3507, as amended by the Paperwork Reduction Act of 1980 (P.L. 96-511).

Additionally, DOE has determined that the regulations do not require the preparation of an Environmental Impact Statement pursuant to the requirements of the National Environmental Policy Act of 1969.

[Department of Energy Organization Act, sections 301 and 644, 42 U.S.C. 7151 and 7254; Energy Reorganization Act of 1974, sections 104 and 105, 42 U.S.C. 5814 and 5815; Atomic Energy Act of 1954, sections 153, 157 and 173, 42 U.S.C. 2183, 2187 and 2223; Invention Secrecy Act, 35 U.S.C. 183]

In consideration of the foregoing, Part 780 of Title 10 of the Code of Federal Regulations is revised as set forth below.

Issued in Washington, D.C., July 16, 1981.  
R. Tenney Johnson,  
General Counsel.

Part 780 of Title 10 of the Code of Federal Regulations is revised as follows:

## PART 780—PATENT COMPENSATION BOARD REGULATIONS

### Subpart A—General Provisions

Sec.

- 780.1 Scope.
- 780.2 Definitions.
- 780.3 Jurisdiction of the Patent Compensation Board.
- 780.4 Filing and service of documents.
- 780.5 Applications—General form, content, and filing.
- 780.6 Department participation.
- 780.7 Designation of interested persons as parties.
- 780.8 Security.
- 780.9 Rules of procedure before the Board.
- 780.10 Decision of the Board.
- 780.11 Records of the Board.

### Subpart B—Declaring Patents Affected With the Public Interest Under Section 153a of the Atomic Energy Act of 1954

- 780.20 Initiation of proceeding.
- 780.21 Notice.
- 780.22 Opposition, support and request for hearing.
- 780.23 Hearing and decision.
- 780.24 Criteria for declaring a patent affected with the public interest.

### Subpart C—Application for a License Pursuant to Section 153b(2) of the Atomic Energy Act of 1954

- 780.30 Filing of application.
  - 780.31 Contents of application.
  - 780.32 Response and request for hearing.
  - 780.33 Hearing and decision.
  - 780.34 Criteria for decision to issue a license.
  - 780.35 Communication of decision to General Counsel.
  - 780.36 Conditions and issuance of license.
- ### Subpart D—Application for a License Pursuant to Section 153c of the Atomic Energy Act of 1954
- 780.40 Filing of application.
  - 780.41 Contents of application.
  - 780.42 Notice of hearing.
  - 780.43 Response.
  - 780.44 Hearing and decision.
  - 780.45 Criteria for decision to issue a license.
  - 780.46 Communication of decision to General Counsel.
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### Subpart E—Applications for Royalties and Awards Under Section 157 of the Atomic Energy Act of 1954 and Compensation Under Section 173 of the Atomic Energy Act of 1954 and the Invention Secrecy Act (35 U.S.C. 183)

- 780.50 Applicants.
- 780.51 Form and content.
- 780.52 Notice and hearing.
- 780.53 Criteria for decisions for royalties, awards and compensation.

Authority: Department of Energy Organization Act, sections 301 and 644, Pub. L. 95-91 (42 U.S.C. 7151, 7254); Energy Reorganization Act of 1974, sections 104 and 105, Pub. L. 93-438 (42 U.S.C. 5814, 5815); Atomic Energy Act of 1954, sections 153, 157

and 173, Pub. L. 83-703 (42 U.S.C. 2183, 2187, 2223); Invention Secrecy Act (35 U.S.C. 183).

### Subpart A—General Provisions

#### § 780.1 Scope.

The regulations in this part establish the procedures, terms, and conditions for Patent Compensation Board:

(a) proceedings to declare a patent affected with the public interest pursuant to section 153a of the Atomic Energy Act of 1954 (Pub. L. 83-703; 42 U.S.C. 2183);

(b) proceedings to determine a reasonable royalty fee pursuant to section 157 of the Atomic Energy Act of 1954;

(c) proceedings for the grant of an award pursuant to section 157 of the Atomic Energy Act of 1954;

(d) proceedings to obtain compensation pursuant to section 173 of the Atomic Energy Act of 1954 and the Invention Secrecy Act (35 U.S.C. 183); and for applications to the Department of Energy (DOE) for a patent license pursuant to sections 153b(2) and 153c of the Atomic Energy Act of 1954.

#### § 780.2 Definitions.

(a) "Act" means the Atomic Energy Act of 1954 (Pub. L. 83-703; 42 U.S.C. 2011).

(b) "Application" means the application filed by an applicant for a patent license, for the determination of a reasonable royalty fee, for an award, or for compensation under this part.

(c) "Board" means the Patent Compensation Board.

(d) "Chairman" means the Chairman of the Patent Compensation Board.

(e) "Department", or "DOE", or "Department of Energy" means the Department of Energy, established by the Department of Energy Organization Act (Pub. L. 95-91; 42 U.S.C. 7101).

(f) "Party" means the applicant, patent owner, Department representative, and any person admitted as a party by the Board for any proceeding under this part.

(g) "Patent Owner" means the owner of record in the United States Patent and Trademark Office.

(h) "Secretary" means the Secretary of the Department of Energy or the delegate of the Secretary of Energy.

#### § 780.3 Jurisdiction of the Patent Compensation Board.

The Patent Compensation Board was established by section 157 of the Atomic Energy Act of 1954. It was transferred to the Energy Research and Development Administration pursuant to section 104(d) of the Energy Reorganization Act of 1974 (42 U.S.C. 5814) and subsequently to the Department of

Energy by section 301 of the Department of Energy Organization Act (42 U.S.C. 7151). Under section 157, the Board is given authority to determine reasonable royalty fees or resolve issues involving the grant of awards. In addition, the Board has authority: (1) to hear and make decisions as to compensation under section 173 of the Act (42 U.S.C. 2223) and the Invention Secrecy Act (35 U.S.C. 183); (2) to hear and make decisions as to whether a specific patent is affected with the public interest pursuant to section 153a of the Act; (3) to hear and make decisions as to whether a specific patent license should be granted under sections 153b(2) and 153e of the Act; (4) to give notices, hold hearings and take such other actions as may be necessary under section 153; and (5) to exercise all powers available under the Act and necessary for the performance of these duties, including the issuance of such rules of procedure as may be necessary.

#### § 780.4 Filing and service of documents.

(a) All communications regarding proceedings subject to this part should be addressed to: Chairman, Patent Compensation Board, U.S. Department of Energy, Webb Building, Room 1006, 4040 N. Fairfax Drive, Arlington, Virginia 22203. All documents offered for filing shall be accompanied by proof of service upon all parties to the proceeding or their attorneys of record as required by law, rule, or order of the Department. Service on the Department shall be by mail, telegram, or delivery to: Office of the Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20585.

(b) Filing by mail or telegram will be deemed to be complete as of the time of deposit in the United States mail or with a telegraph company.

#### § 780.5 Applications—General form, content, and filing.

(a) Each application shall be signed by the applicant and shall state the applicant's name and address. If the applicant is a corporation, the application shall be signed by an authorized officer of the corporation, and the application shall indicate the state of incorporation. Where the applicant elects to be represented by counsel, a signed notice to that effect shall be filed with the Board.

(b) Each application must contain a concise statement of all of the essential facts upon which it is based. No particular form of statement is required. Each application shall be verified by the applicant or by the person having the best knowledge of such facts. In the case of facts stated on information and belief,

the source of such information and grounds of belief shall be given.

(c) Each application must identify any person whose interest the applicant believes may be affected by the proceeding before the Board.

(d) Three copies of each application shall be filed with the Board. However, only one copy of the accompanying exhibits need be filed.

(e) The Board will acknowledge the receipt of the application in writing and advise the applicant of the docket number assigned to the application.

#### § 780.6 Department participation.

The Department shall be a party to all proceedings under this part, and the Office of the General Counsel will represent the Department's interests before the Board.

#### § 780.7 Designation of interested persons as parties.

In any proceeding under this part, the Board shall admit as a party any person, upon application of such person or on the Board's own initiative, whose interest may be affected by the proceeding.

#### § 780.8 Security.

In any proceeding under this part, the Board shall take such steps as necessary pursuant to chapter 12 of the Act and section 181 of the Act to assure compliance with Department security regulations and the common defense.

#### § 780.9 Rules of procedure before the Board.

Except as set forth in this part, all Board proceedings, including the hearing and decision, shall be conducted pursuant to the rules of practice of the Department of Energy Board of Contract Appeals, 10 CFR Part 1023, modified as the Board may determine to be necessary and appropriate.

#### § 780.10 Decision of the Board.

The decision of the Board in any proceeding under this part shall constitute the final action of the Department on the matter.

#### § 780.11 Records of the Board.

The records of the Board in cases filed before it, including the pleadings, the transcript, and the final decision, shall be open to public inspection, except to the extent that such records or portions thereof are withheld from disclosure by the Board pursuant to 10 CFR Part 1004.

**Subpart B—Declaring Patents Affected With the Public Interest Under Section 153a of the Atomic Energy Act of 1954**

**§ 780.20 Initiation of proceeding.**

When any person in the Department believes that the Department should declare a patent affected with the public interest pursuant to section 153a of the Act, that person shall make such a recommendation to the Under Secretary. If, after consultation with the General Counsel, the Under Secretary agrees with the recommendation, the Under Secretary shall initiate in writing a proceeding under section 153a before the Board. The communication of the Under Secretary to the Board shall identify the patent and state the basis for the proposed declaration.

**§ 780.21 Notice.**

The Board will serve upon the patent owner and all other parties a written notice of the Department's proposed action to declare the patent affected with the public interest, and the notice shall identify the patent and state the basis for the proposed declaration.

**§ 780.22 Opposition, support and request for hearing.**

(a) Any party may, within thirty (30) days after service of the notice or such other time as may be provided by the terms of the notice, file with the Board a written statement in opposition to or in support of the Department's proposed action. Such statement may also include a request for hearing. The statement shall contain a concise description of the facts, law, or any other relevant matter which the party believes should be reviewed by the Board during its consideration of the proposed declaration. If the request for a hearing is timely received, the Board shall call a hearing and provide notice of the time and place to all parties.

(b) Failure of all parties to oppose the proposed action or to request a hearing within the time specified in the notice shall be deemed an acquiescence to that action and may result in a declaration by the Board that the patent is affected with the public interest.

**§ 780.23 Hearing and decision.**

If a timely request for a hearing is made by any party, the Board will proceed with a hearing and decision. If a hearing is not requested, the Board shall prepare and issue its decision on the record.

**§ 780.24 Criteria for declaring a patent affected with the public interest.**

A patent shall be declared to be affected with the public interest

pursuant to section 153a of the Act upon the Board's final decision that:

(a) The invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy; and

(b) The licensing of such invention or discovery under section 153 of the Act is of primary importance to effectuate the policies and purposes of the Act.

**Subpart C—Application for a License Pursuant to Section 153b(2) of the Atomic Energy Act of 1954**

**§ 780.30 Filing of application.**

An applicant for a license pursuant to section 153b(2) of the Act, under a patent which the Department has declared to be affected with the public interest, shall file an application with the Board in accordance with § 780.5. The Board will docket the application and serve notice of the docketing upon all parties.

**§ 780.31 Contents of application.**

Each application shall contain, in addition to the requirements specified in § 780.5, the following information:

(a) The activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the patent license;

(b) The nature and purpose of the applicant's intended use of the patent license;

(c) The relationship of the invention or discovery to the authorized activities to which it is to be applied, including an estimate of the effect on such activities stemming from the grant or denial of the license;

(d) Efforts made by the applicant to obtain a patent license from the owner of the patent;

(e) Terms, if any, on which the owner of the patent proposes to grant the applicant a patent license;

(f) The terms the applicant proposes for the patent license; and

(g) A request for either a hearing or a decision on the record.

**§ 780.32 Response and request for hearing.**

Any party within thirty (30) days after service of the notice of docketing of the application:

(a) may file with the Board a response containing a concise statement of the facts or law or any other relevant information which that party believes should be considered by the Board in opposition to or in support of the proposed application; and

(b) may file a request for a hearing or for a decision on the record.

**§ 780.33 Hearing and decision.**

If any party requests a hearing, the Board will proceed with a hearing and decision. If a hearing is not requested, the Board shall on the basis of the record prepare and issue its decision.

**§ 780.34 Criteria for decision to issue a license.**

A license shall issue to the applicant to use the invention covered by the patent declared to be affected with the public interest pursuant to subsection 153b(2) of the Act upon a final decision that:

(a) The activities to which the patent license is proposed to be applied are of primary importance to the applicant's conduct of an activity authorized under the Act; and

(b) The applicant cannot otherwise obtain a patent license from the owner of the patent on terms which are reasonable for the intended use to be made of the patent by the applicant.

**§ 780.35 Communications of decision to General Counsel.**

Following a determination to issue a patent license under section 153b(2) of the Act, the Board shall send the decision to the General Counsel and instruct the General Counsel to issue the license on terms deemed equitable by the Department and generally not less fair than those granted by the patentee or by the Department to similar licensees for comparable use.

**§ 780.36 Conditions and issuance of license.**

(a) Upon receipt of the Board's decision and instruction to issue a patent license, the General Counsel shall issue the license which contains all necessary terms and conditions except for the royalty fee. The parties will propose and agree on a reasonable royalty fee within a reasonable time as determined by the General Counsel. If a party does not agree with the terms and conditions of the license as determined by the General Counsel or if a royalty fee cannot be agreed upon within the reasonable time period established by the General Counsel, any party may, within 30 days after the expiration of such time period, initiate a proceeding before the Board, in accordance with Subpart E of this part, for a reconsideration of the General Counsel's determination. After the proceeding under Subpart E of this part is completed, the General Counsel shall modify the patent license in accordance with the Board's determination.

**Subpart D—Application for a License Pursuant to Section 153c of the Atomic Energy Act of 1954**

**§ 780.40 Filing of application.**

An application to the Department, pursuant to section 153c of the Act, for the issuance of a license to use the invention or discovery covered by a patent useful in the production or utilization of special nuclear material or atomic energy shall be filed with the Board in accordance with requirements of § 780.5.

**§ 780.41 Contents of application.**

In addition to the information specified in § 780.5, each application shall contain the following:

(a) the applicant's contention, with supporting data, that the invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

(b) the applicant's contention, with supporting data, that the licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant, including information concerning:

(1) the activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the license;

(2) the nature and purpose of the applicant's intended use of the patent license; and

(3) the relationship of the invention or discovery to the activities to which it is to be applied, including an estimate of the effect of such activities stemming from the grant or denial of the license.

(c) the applicant's contention, with supporting data, that the activities to which the patent license are proposed to be applied are of primary importance to the furtherance of policies and purposes of the Act;

(d) the applicant's contention, with supporting data, that such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which are reasonable for the applicant's intended use of the patent, including information concerning:

(1) efforts made by applicant to obtain a patent license from the owner of the patent; and

(2) terms, if any, on which the owner of the patent proposed to grant applicant a patent license.

(e) the terms the applicant proposes as reasonable for the patent license; and

(f) a copy of any license, permit, or lease obtained by the applicant under the procedures outlined in section 153(c) of the Act.

**§ 780.42 Notice of hearing.**

Within thirty (30) days after the filing of the application, the Board will serve on all parties a notice of hearing to be held not later than sixty (60) days after the filing of the application.

**§ 780.43 Response.**

Any party may file a response with the Board containing a concise statement of the facts or law or any other relevant information in opposition to or in support of the application which that party believes should be considered by the Board. Such response must be filed by a party within twenty (20) days after being served a copy of the application.

**§ 780.44 Hearing and decision.**

In accordance with section 153d of the Act, the Board shall hold a hearing and issue a final decision on the application.

**§ 780.45 Criteria for decision to issue a license.**

A license shall issue to the applicant to use the invention covered by the patent for the purposes stated in the application upon a final decision that:

(a) The invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

(b) The licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant;

(c) The activities to which the patent license is proposed to be applied by such applicant are of primary importance to the furtherance of policies and purposes of the Act; and

(d) Such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which the Department deems to be reasonable for the applicant's intended use of the patent.

**§ 780.46 Communication of decision to General Counsel.**

When the Board decides to issue a patent license under section 153c of the Act, the Board shall send the decision to the General Counsel and instruct the General Counsel to issue the license on terms deemed equitable by the Department and generally not less fair than those granted by the patentee or by the Department to similar licensees for comparable use.

**§ 780.47 Conditions and issuance of license.**

Upon receipt of the Board's decision and instruction to issue a patent license, the General Counsel shall issue the license which contains all necessary

terms and conditions except for the royalty fee. The parties will propose and agree on a reasonable royalty fee within a reasonable time as determined by the General Counsel. If a party does not agree with the terms and conditions of the license or if a royalty fee cannot be agreed upon within the reasonable time period established by the General Counsel, any party may, within 30 days after the expiration of such time period, initiate a proceeding before the Board in accordance with Subpart E of this part, for a reconsideration of the General Counsel's determination. After the proceeding under Subpart E of this part is completed, the General Counsel shall modify the patent license in accordance with the Board's determination.

**Subpart E—Application for Royalties and Awards Under Section 157 of the Atomic Energy Act of 1954 and Compensation Under Section 173 of the Atomic Energy Act of 1954 and the Invention Secrecy Act (35 U.S.C. 183)**

**§ 780.50 Applicants.**

(a) Any owner or licensee of a patent licensed under section 158 or subsections b or e of section 153 of the Act may file an application with the Board for the determination of a reasonable royalty fee.

(b) Any owner or licensee of a patent licensed under subsections b or e of section 153 of the Act may file an application with the Board for the modification of any terms and conditions of the license.

(c) Any person who has made an invention or discovery useful in the production or utilization of special nuclear material or atomic energy, has complied with the provisions of section 151c, but, under the Act, is not entitled to a royalty for such invention or discovery, may file an application for an award.

(d) Any owner of a patent application that contains restricted data not belonging to the United States which the Department has communicated to any foreign nation may make application for just compensation pursuant to section 173 of the Act.

(e) Any patent applicant, whose patent is withheld because of a secrecy order issued at the request of the Department may, beginning at the date the patent applicant is notified that, except for such order, the application is otherwise in condition for allowance, apply for compensation for the damage caused by the secrecy order and/or for the use of the invention by the Government, resulting from any



disclosure to the Department required by the Invention Secrecy Act.

**§ 780.51 Form and content.**

(a) Each application shall contain a statement of the applicant's interest in the patent, patent application, invention or discovery and identify any other claimants of whom the applicant has knowledge.

(b) Each application must contain a concise statement of all of the essential facts upon which it is based. No particular form of statement is required, but it will facilitate consideration of the application if the following specific data accompany the application:

(1) In the case of an issued patent, a copy of the patent.

(2) In the case of a patent application, a copy of the application and of all Patent and Trademark Office actions and responses thereto.

(3) In the case of an invention or discovery as to which a report has been filed with the Department pursuant to subsection c of section 151 of the Act, a copy of such report.

(4) In the case of an award, the date relied upon as the date of invention.

(5) In all cases, a statement of the extent to which the invention or discovery was developed through federally financed research or with other federal support.

(6) In all cases, the degree of the utility, novelty, and importance of the invention or discovery.

(7) In all cases, a statement of the actual use by the federal Government or others of such invention or discovery, to the extent known to the applicant.

(8) In all cases, the cost of developing the invention or discovery and acquiring the patent or patent application.

(9) The royalty fee proposed, the proposed terms and conditions of a license agreement, or the amount sought as compensation or award, as well as the basis used in calculating such fee, compensation or award and whether a lump sum or periodic payments are sought.

(10) In an application for just compensation pursuant to section 173 of the Act, the ownership of the invention that is the subject matter of the patent application at the time the Department communicated the restricted data shall be set forth, and any restricted data contained in the application shall be specifically identified.

(11) In an application for compensation under the authority provided in the Invention Secrecy Act (35 U.S.C. 183), for the damage caused by imposition of a secrecy order on a patent application and/or for the use of the invention by the Government, the

date of the secrecy order, the date of the notice that the patent application is in condition for allowance, and, if known to the applicant, the date of the first use of the invention by the Government.

**§ 780.52 Notice and hearing.**

The Board shall, in its discretion, afford the applicable party an opportunity for a hearing for the presentation of relevant evidence. Thirty (30) days notice shall be given of the time and place of such hearing. After expiration of the notice period, the Board shall proceed with a hearing and render its decision.

**§ 780.53 Criteria for decisions for royalties, awards and compensation.**

(a) In deciding a reasonable royalty fee for a patent licensed under section 158 or sections 153b or 153e of the Act, the Board shall consider:

(1) any defense, general or special, that a defendant could plead in an action for infringement;

(2) the extent to which such patent was developed through federally financed research or with other federal support;

(3) the degree of utility, novelty, and importance of the invention or discovery; and

(4) the cost to the owner of the patent of developing such invention or discovery or of acquiring such patent.

(b) In deciding whether or not to grant an award, under section 157 of the Act, for the making of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy, the Board shall take into account the considerations set forth in subsection 780.53(a) of this part and the actual use of such invention or discovery.

(c) In deciding whether or not to provide compensation, pursuant to section 173 of the Act, to a person who owns a patent application that contains restricted data not belonging to the United States which the Department has communicated to a foreign nation, the Board shall take into account the considerations set forth in subsection 780.53(b) of this part and the damage to the applicant resulting from such communication.

(d) In the course of its review of an application to provide compensation, pursuant to 35 U.S.C. 183, to an applicant whose patent was withheld because of a secrecy order issued at the request of the Department, the Board shall take into account the considerations set forth in subsection 780.53(b) of this part and:

(1) the damage sustained by the applicant as a result of the secrecy order; and

(2) the use of the invention by the Government resulting from the disclosure of such invention to the Department.

**DEPARTMENT OF ENERGY**

**Delegation Order No. 0204-80 to the Board of Contract Appeals**

Pursuant to the authority vested in me as Secretary of Energy ("Secretary") and by Sections 153 and 157 of the Atomic Energy Act of 1954 (42 U.S.C. 2183 and 2187) and Section 642 of the Department of Energy Organization Act (Pub. L. 95-91), there is hereby delegated to the Board of Contract Appeals the authority to:

1. Sitting as the Department of Energy (DOE) Patent Compensation Board, conduct and decide any proceedings brought before it pursuant to Departmental regulations, 10 CFR Part 780; declare patents affected with the public interest pursuant to Section 153a (42 U.S.C. 2183a); and make the final determination to issue patent licenses pursuant to Sections 153b or 153e of the Atomic Energy Act of 1954 (42 U.S.C. 2183b and 2183e).

The authority delegated to the Board of Contract Appeals by this Order shall not be redelegated, in whole or part.

In exercising the authority delegated by this Order, the delegate shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the Secretary or his delegate.

All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

This Order is effective July 15, 1981.

James B. Edwards,  
Secretary of Energy.

[FR Doc. 81-22660 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-01-44

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**15 CFR Parts 385 and 399**

**Amendments to the Commodity Control List (CCL) and to the Advisory Notes for Selected CCL Entries**

**AGENCY:** Office of Export Administration, International Trade Administration, Commerce.

**ACTION:** Interim rule with requests for comments.

**SUMMARY:** This rule amends the Advisory Notes for Selected CCL Entries (Supplement No. 1 to Part 385) and the

Commodity Control List (CCL) (Supplement No. 1 to § 399.1) following Coordinating Committee (COCOM) agreements governing the export of commodities and technical data that are restricted for national security purposes. The COCOM agreements involved the expansion and clarification of export controls, and pertinent Advisory Notes and CCL entries are added, amended or revised to reflect those decisions. In addition, two entries on the Commodity Control List are amended to correct publishing errors in earlier amendments.

**EFFECTIVE DATES:** August 4, 1981. The comment period will close October 5, 1981.

**ADDRESS:** Submit comments to Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** Archie Andrews, Director, Exporters' Service Staff (Telephone (202) 377-5247 or 377-4811).

**SUPPLEMENTARY INFORMATION:** The United States participates in an international security export control system. The Coordinating Committee (COCOM) of this system reviews proposals to ship strategic commodities and technical data to certain communist countries. The Commodity Control List (CCL) includes all commodities multilaterally restricted for export by COCOM and those controlled unilaterally by the United States (except those specifically controlled for export by another department or agency of the U.S. Government). The Advisory Notes for Selected CCL Entries is a listing of those commodities on the CCL that are more likely to be approved for export than others. COCOM agreements on the expansion and clarification of export controls have necessitated changes to the CCL and the Advisory Notes as follows:

A CCL entry is amended by adding a footnote that states that licensing jurisdiction over infrared imaging equipment is shared between the Office of Munitions Control (Department of State) and the Department of Commerce.

A CCL entry is amended by revising its coverage of monocrystalline gallium compounds and monocrystalline indium compounds, by expanding controls in that entry to include electronic grade polycrystalline silicon and by adding a definition of "electronic grade polycrystalline silicon."

A CCL entry is amended by revising its coverage of certain electronic scanning equipment to include such equipment when it is used for the production of color separations.

An entry of the Advisory Notes for Selected CCL Entries is amended by expanding coverage to include certain multiphase polycrystalline alumina fibers.

An entry of the Advisory Notes is amended by revising a note concerning the export of equipment for communications satellite earth stations.

An entry is added to the Advisory Notes to cover the export of certain types of monocrystalline silicon wafers.

An entry of the Advisory Notes is amended by adding limitations to certain types of analog magnetic tape recorders that are likely to be approved for export.

In addition, two entries on the Commodity Control List are amended to correct errors published in the *Federal Register* of May 12, 1981. Entry No. 1355A is amended by revising a footnote, and Entry No. 5585D is amended by revising the groups of countries for which a validated license is required.

#### Rulemaking Requirements and Invitation To Comment

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations.

The period for submission of comments will close October 5, 1981. All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the

submitter and will not be considered in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, The International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

#### PART 385—SPECIAL COUNTRY POLICIES AND PROCEDURES

Accordingly, Parts 385 and 399 of the Export Administration Regulations (15 CFR Part 385 *et seq.*) are amended as follows:

1. The Advisory Notes for Selected CCL Entries (Supplement No. 1 to Part 385) is amended as follows:

(a) Entry No. 1520A is amended by revising Note 3 to read as follows:

1520A Radio relay communications equipment designed for use at frequencies exceeding 960 MHz, and components, accessories and sub-assemblies therefor.

##### Notes.

1. \* \* \*

2. \* \* \*

3. Licenses are likely to be approved for export to satisfactory end-users of equipment covered by this item, for communications satellite earth stations provided that it is to be installed for operation in the framework of an INTELSAT, MARISAT or INMARSAT satellite communications system.

(b) Entry No. 1572A is amended by adding a paragraph (c) to Note 4 of that entry to read as follows:

1572A Recording and/or reproducing equipment, as follows (For equipment that may be exported in conjunction with computer shipments, see entry No. 1565.):

Notes.

- 1.\*\*\*
- 2.\*\*\*
- 3.\*\*\*
- 4.\*\*\*

(c) The analog magnetic tape recorders are limited as follows:

- (1) Characteristics not superior to those defined in Note 1(b) (1) to (9);
- (2) Equipped with tape-derived (off-tape) servo speed control and with a time displacement (base) error of not less than ±0.8 microsecond at a tape speed of 60 inches (152.4 cm) per second and not less than ±1.6 microsecond at any lower tape speed measured in accordance with applicable IRIG and EIA documents.

(c) Entry No. 1757A is amended by adding a new paragraph (f) reading as follows:

1757A Compounds and materials as follows:

\* \* \* \* \*

(f) Electronic grade polycrystalline silicon.  
(d) Entry No. 1763A is amended by revising the "Note" to read as follows:

1763A Fibrous and filamentary materials which may be used in composite structures or laminates and manufactures thereof, as follows:

\* \* \* \* \*

Note.—Licenses are likely to be approved for export for bona fide civil end-uses, of carbon fibers and multi-phase polycrystalline alumina fibers covered by sub-items (a) and (b) above having both of the following characteristics:

- (a) Specific modulus less than  $4.5 \times 10^8$ , and
- (b) Specific tensile strength less than  $4 \times 10^6$ .

**PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS**

2. The Commodity Control List (Supplement No. 1 to § 399.1) is amended as follows:

(a) Footnote 2 of Entry No. 1355A is revised to read as follows:

<sup>2</sup>The GLV \$ value limit for sub-entry (b)(2) (i) and (ii) is \$100.

(b) Entry No. 1502A is amended by adding a footnote 3 following the entry number and in the "Validated License Required" column reading as follows:

<sup>3</sup> Airborne detection and tracking equipment using infrared radiation and other infrared imaging equipment have significant military as well as commercial uses. Prior to submitting applications, exporters should determine whether the item is under the licensing jurisdiction of the Office of Munitions Control (Department of State) or the Department of Commerce.

(c) Entry No. 1522A is amended by revising paragraph (b) (xi) to read as follows:

1522A Lasers and laser systems including equipment containing them as follows: \* \* \*

- (a) \* \* \*
- (b) \* \* \*

(xi) Electronic scanning equipment with auxiliary electronic screening unit specially designed for printing processes, including such equipment when used for the production of color separations;

\* \* \* \* \*

(d) Entry No. 5585D is revised to read as follows:

Export control commodity number and commodity description	Unit	Validated license required	CLVs value limits T&V	Processing code	Reason for control
5585D <sup>1</sup> Photographic equipment as follows: (a) Other high-speed continuous writing, rotating drum cameras capable of recording at rates in excess of 2,000 frames per second, and parts and accessories, n.e.s.; and (b) Other 16 mm high-speed motion picture cameras capable of recording at rates in excess of 2,000 frames per second, and parts and accessories, n.e.s.	(*)	PQSWYZ <sup>1</sup> and Afghanistan.....	(*)	MG	4 1

<sup>1</sup> A validated license also is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See §§ 371.2(c)(11) and 385.4(a).  
<sup>2</sup> Report cameras in "number" and film in "sq. ft."  
<sup>3</sup> The GLV \$ value limit for Country Group Q is \$100.

(e) Entry No. 1757A is amended by revising the introductory text of sub-item (b) and sub-item (c), adding a new sub-item (f) and adding a new definition reading as follows:

1757A Compounds and materials as follows: \* \* \*

(a) \* \* \*  
(b) Monocrystalline gallium compounds, except gallium phosphide, and except electronic grades of monocrystalline materials containing less than 1% of gallium, and except gallium arsenide, gallium arsenide phosphide, and gallium nitride having all of the following characteristics:

\* \* \* \* \*

(c) Monocrystalline indium compounds in any form, except electronic grades of monocrystalline materials containing less than 1% of indium.

- (d) \* \* \*
- (e) \* \* \*

(f) Electronic grade polycrystalline silicon. "Electronic grade polycrystalline silicon" is defined as having a maximum concentration of P type impurity (e.g. boron) of 0.3 parts per billion (0.3 parts in 10<sup>9</sup>) and/or a maximum concentration of N type impurity (e.g. phosphorus) of 1.5 parts per billion (1.5 parts in 10<sup>9</sup>). Purity shall be verified according to ASTM specification F574-78 or equivalent followed by resistivity measurement

according to ASTM specification F43-78 or equivalent.

(Secs. 4(e), 5, 13, 15, 17(c) and (d) Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980).)

Dated: July 30, 1981.

William V. Skidmore,  
Director, Office of Export Administration,  
International Trade Administration.

[FR Doc. 81-22700 Filed 8-3-81; 8:45 am]

BILLING CODE 3510-25-M

**19 CFR Parts 353 and 355**

**Antidumping Duties and Countervailing Duties; Deletion of Annexes**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Deletion of Annexes to CFR Parts.

**SUMMARY:** The Department is deleting from the CFR the Annexes listing antidumping and countervailing duty orders currently in effect. It will publish updated lists semiannually in the Federal Register. In addition, the list of all orders currently in effect will be updated continuously and will be available from the Import Administration.

**EFFECTIVE DATE:** August 4, 1981.

**ADDRESS:** Office of Information Services, Import Administration, International Trade Administration, Department of Commerce, Room 2802, Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** Barbara J. Victor, 202-377-4679.

**SUPPLEMENTARY INFORMATION:** At present the Department's regulations on antidumping and countervailing duties contain annexes purporting to list orders "currently in effect." The list of "Antidumping Findings and Orders Currently in Effect" appears as Annex I to 19 CFR 353, and the list of "Countervailing Duties Currently in

Effect" appears as Annex III to 19 CFR 355.

Since the CFR is only published annually, the Annexes usually are outdated. We have concluded that we can keep the public better informed of orders currently in effect by publishing semiannually in the Federal Register a notice listing all antidumping and countervailing duty orders currently in effect. In addition, we will update the listing continuously. Copies will be available from Import Administration's Office of Information Services at the address printed above.

#### Amendments to CFR

Accordingly, we are removing from the CFR:

#### PART 353—ANTIDUMPING DUTIES

##### Annex I [Removed]

(1) Annex I ("Antidumping Findings and Orders Currently in Effect") to 19 CFR Part 353 ("Antidumping Duties"); and

#### PART 355—COUNTERVAILING DUTIES

##### Annex III [Removed]

(2) Annex III ("Countervailing Duties Currently in Effect") to 19 CFR 355 ("Countervailing Duties").

Gary N. Horlick,

*Deputy Assistant Secretary for Import Administration.*

July 29, 1981.

[FR Doc. 81-22585 Filed 8-3-81; 8:45 am]

BILLING CODE 3510-25-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Social Security Administration

#### 20 CFR Part 410

#### Recovery of Black Lung Overpayments From Benefits Due Survivors

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** This final regulation corrects an unjustified inconsistency between our treatment of overpayments of social security benefits and black lung benefits. It also clarified how we adjust or recover a black lung overpayment made to a black lung beneficiary during his or her lifetime, when the beneficiary dies before adjustment or recovery of the overpayment. The revised regulation provides that when an overpayment of black lung benefits is made to a black lung beneficiary, we may recover the overpayment from subsequent black

lung benefits payable to the decedent's survivors. This revision is designed to bring § 410.560(d) of 20 CFR Part 410, which applies to adjusting overpayments of black lung benefits made to a deceased black lung beneficiary, into conformity with § 404.502 of 20 CFR Part 404, which permits recoupment from a worker's survivors of an overpayment of social security benefits made to a worker. The authority for both regulations comes from section 204 of the Social Security Act. We have determined that this regulation does not meet the criteria specified in Executive Order 12291 for major regulations.

**EFFECTIVE DATE:** The final regulation shall be effective August 4, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marval Cazer, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-7463.

**SUPPLEMENTARY INFORMATION:** On August 22, 1980, this rule was published in the Federal Register (45 FR 56074) as a Notice of Proposed Rule Making with a 60-day comment period. We received only two comments and they are wholly favorable to the revision.

#### Current Regulation

Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended, provides for black lung overpayments to be recovered as provided by section 204 of the Social Security Act, "as if [black lung] benefits \* \* \* were \* \* \* [social security] benefits." Section 204(a) provides authority to recover overpayments under regulations issued by the Secretary. Those regulations could provide for a deceased individual's overpayment to be recovered from the decedent's estate (i.e., repayment by the decedent's estate or by withholding amounts due the estate) and from benefits payable to other individuals because of the decedent's death. These provisions are reflected in § 404.502 (20 CFR 404.502). However, § 410.560(d) of the black lung regulations (20 CFR 410.560(d)) provides that a deceased black lung beneficiary's overpayment is recoverable only from the black lung beneficiary's estate (i.e., repayment by the decedent's estate or by withholding amounts due the estate). Since § 410.560(d) does not currently provide for recovery of a black lung overpayment from subsequent black lung benefits payable to the decedent's survivors, this method of recovering a deceased black lung beneficiary's overpayment is currently barred, and we

have an unjustified inconsistency in administering the two acts.

#### Final Regulation

We are amending § 410.560(d) to provide that when an overpayment of black lung benefits is made to a black lung beneficiary during his or her lifetime, and he or she dies before recoupment, we can recover the overpayment from subsequent black lung benefits payable to the decedent's survivors. The revised regulation provides the same means of recovering black lung overpayments as are provided for recovering social security benefits under title II of the Social Security Act.

We certify that this regulation does not have an adverse impact on small business entities since it applies only to individuals who have been overpaid. Consequently, we have determined that a regulatory flexibility analysis as provided by Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not necessary. There are no reporting or recordkeeping requirements requiring OMB clearance. Accordingly, this regulation is adopted without change as set forth below.

(Catalog of Federal Domestic Assistance Programs No. 13.806—Special Benefits for Disabled Coal Miners)

Dated: June 26, 1981.

John A. Svahn,

*Commissioner of Social Security.*

Approved: July 21, 1981.

Richard S. Schweiker,

*Secretary of Health and Human Services.*

#### PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969- )

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Section 410.560 is amended by revising paragraph (d) to read as follows:

#### § 410.560 Overpayments.

\* \* \* \* \*

(d) *Overpaid beneficiary dies before adjustment.* If an overpaid beneficiary dies before adjustment is completed under the provisions of paragraph (b) of this section, the overpayment may be recovered through—

(1) Repayment by the estate of the deceased overpaid beneficiary;

(2) Withholding benefit amounts due the estate of the deceased overpaid beneficiary;

(3) Withholding benefit amounts due any other individual because of the black lung disease of the miner, or

(4) Any combination of the methods described in this paragraph.

(Sec. 413(b) of the Federal Coal Mine Health and Safety Act of 1969, as amended, and secs. 204 and 1102 of the Social Security Act; 83 Stat. 793, 30 U.S.C. 921; 49 Stat. 824, 647, as amended, 42 U.S.C. 404 and 1302)

[FR Doc. 81-22855 Filed 8-3-81; 8:45 am]

BILLING CODE 4110-07-M

## Food and Drug Administration

### 21 CFR Part 176

[Docket No. 81F-0009]

#### Indirect Food Additives; Paper and Paperboard Components; 1,2-Dibromo-2,4-Dicyanobutane

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of 1,2-dibromo-2,4-dicyanobutane as a preservative in coatings for paper and paperboard. The Calgon Corp. petitioned for this use.

**DATES:** Effective August 4, 1981; objections by September 3, 1981.

**ADDRESS:** Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Mary W. Lipien, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of March 3, 1981 (46 FR 14968), FDA announced that a petition (FAP 8B3373) had been filed by the Calgon Corp., Pittsburgh, PA 15230, proposing that § 176.170 (21 CFR 176.170) be amended to provide for the safe use of 1,2-dibromo-2,4-dicyanobutane as a preservative in latexes used as pigment binders in coatings for paper and paperboard in contact with aqueous and fatty food.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that § 176.170 should be amended as set forth below.

The agency previously considered the potential environmental effects of this

rule as announced in the notice of filing published in the Federal Register. No new information or comment has been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 312(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 176 is amended in § 176.170(b)(2) by alphabetically inserting a new item to read as follows:

#### § 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

\* \* \* \* \*  
(b) \* \* \*  
(2) \* \* \*

List of substances	Limitations
1,2-Dibromo-2,4-dicyanobutane (CAS Reg. No. 35691-65-7).	For use only as a preservative at a level of 0.025 weight percent in latexes used as pigment binders in coatings for paper and paperboard intended for use in contact with aqueous and fatty food.

\* \* \* \* \*

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 3, 1981, submit to the Dockets Management Branch, (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the

objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

**Effective date.** This regulation shall become effective August 4, 1981.

(Secs. 201(s) and 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s) and 348))

Dated: July 27, 1981.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 81-22454 Filed 8-3-81; 8:45 am]

BILLING CODE 4110-03-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 7781]

#### Income Tax; Taxable Years Beginning After December 31, 1953; Imputed Interest

##### Corrections

In FR Doc. 81-19559 appearing on page 34567 in the issue of Thursday, July 2, 1981, make the following changes:

(1) On page 34567, third column, first paragraph under "Background", eleventh line should read as follows: "advances between such entities. Section"; second paragraph, twenty-first line, insert "of" after "provisions".

(2) On page 34568, first column, second paragraph, third line, "438" should read "483".

(3) On page 34569, first column, the amendment numbered 1 under "paragraph 1.", first line should read: "1. Paragraph (a)(2)(ii) of § 1.482-2".

(4) On page 34570, first column, the section heading now reading "§ 1.463-1 \* \* \*" should read "§ 1.483-1 \* \* \*".

(5) On page 34571, first column, § 1.483-1(d)(1)(ii)(A), the eighth line should read: "entered into before such date, the test rate"; and in the last line at the bottom of the first column, insert a close paren after "1980".

(6) On page 34572, first column, § 1.483-1(f)(6)(iv), seventeenth line, " \* \* \* Tables VI \* \* \* " should read " \* \* \* Tables VII \* \* \* ".

BILLING CODE 1505-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 35

[WH-FRL 1887-8]

#### State and Local Assistance; Program Grants Class Deviation

**AGENCY:** Environmental Protection Agency.

**ACTION:** Deviation to rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is issuing a class deviation from a provision of its program grant regulations to extend the FY 1981 budget period to a date no later than September 30, 1982, for grants under Section 4008, Subtitle D, of the Resource Conservation and Recovery Act. This class deviation will allow States to have an orderly transition of their solid waste management programs from Federally-funded to State-funded programs.

**DATE:** The class deviation became effective on July 6, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harvey Pippen, Jr., Director, Grants Administration Division (PM-216), 401 M Street SW., Washington, D.C. 20460, (202) 755-0860.

Dated: June 22, 1981.

Roy M. Gamse,

*Acting Assistant Administrator for Planning and Management (PM-208).*

Dated: July 1, 1981.

Christopher J. Capper,

*Acting Assistant Administrator for Solid Waste and Emergency Response (WH-562A).*

#### Class Deviation From 40 CFR 35.716

From: Harvey Pippen, Jr., Director, Grants Administration Division (PM-216)  
To: Regional Administrators

#### Action

I am approving a class deviation from 40 CFR 35.716 of the Solid and Hazardous Waste Management Program Support Grants Regulations. This class deviation will permit Regional Administrators to extend the FY 1981 budget period to a date no later than September 30, 1982, and allow States to have an orderly transition of their solid waste management programs from Federally funded to State-funded programs.

#### Background

Originally, EPA intended to phase out Federal support for grants under Section 4008 of the Resource Conservation and Recovery Act (RCRA) by FY 1984. As a part of the President's economic recovery program, EPA has accelerated that schedule and requested no FY 1982 funds for these grants.

Some States, however, have indicated a desire to continue their open dump inventory and/or State planning efforts in FY 1982. At the end of FY 1981, States expect to have unexpended FY 1981 Subtitle D money

remaining which could be used to support an orderly phase-out of Federally funded activities.

Since section 35.716 defines the budget period as the Federal fiscal year, a deviation is necessary to extend the budget period and to permit States to use unexpended FY 1981 funds.

Dated: June 22, 1981.

Concur:

Roy M. Gamse,

*Acting Assistant Administrator for Planning and Management (PM-208).*

Dated: July 1, 1981.

Concur:

Christopher J. Capper,

*Acting Assistant Administrator for Solid Waste and Emergency Response (WH-562A).*

[FR Doc. 81-22555 Filed 8-3-81; 8:45 am]

BILLING CODE 6560-30-M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Parts 101-42, 101-43, 101-45, 101-46, and 101-48

[FPMR Amendment H-127]

#### Miscellaneous Changes; Utilization and Disposal Regulations

**AGENCY:** General Services Administration.

**ACTION:** Final rule.

**SUMMARY:** This regulation updates GSA's rules concerning the utilization and disposal of personal property, provides current references to organizational units, and revises exhibits.

**EFFECTIVE DATE:** August 4, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Stanley M. Duda, Director, Utilization Division (703-557-0714).

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

## PART 101-42—PROPERTY REHABILITATION SERVICES AND FACILITIES

### Subpart 101-42.1—Sources of Property Rehabilitation Services

1. Section 101-42.101 is amended to revise paragraphs (b) and (c) to read as follows:

#### § 101-42.101 General.

\* \* \* \* \*

(b) GSA regional Federal Property Resources Service offices periodically issue bulletins to heads of Federal agencies to provide information concerning GSA service support for the maintenance, repair, rehabilitation, and reclamation of Government-owned personal property.

(c) A regional GSA Federal Property Resources Service office will, upon receipt of a written request from a Federal agency serviced by that office, develop sources of services, evaluate contractor capabilities, and conduct surveys or studies to justify establishing term contracts for services not available at the time the needs arise.

\* \* \* \* \*

2. Section 101-42.102 is amended to revise paragraphs (a) and (b) to read as follows:

#### § 101-42.102 GSA term contracts for services.

(a) GSA regional Federal Property Resources Service offices establish term contracts; prepare and issue term contract price schedules on a zonal, regional, or other area basis; and perform contract administration.

(b) Agency offices may be placed on a distribution list to receive term contracts in the form of price schedules applicable within specified areas upon request to the GSA regional Federal Property Resources Service office administering the contracts.

\* \* \* \* \*

### Subpart 101-42.2—Property Rehabilitation Services Performed by Federal Facilities

3. Section 101-42.203(b) is revised to read as follows:

#### § 101-42.203 Notifications.

\* \* \* \* \*

(b) Before establishing or substantially expanding facilities for repair maintenance, rehabilitation, or reclamation of personal property, agencies shall furnish specific details of the proposal to the General Services Administration (DP), Washington, DC 20406. The details should include the

type of facility, personnel complement, capability, and geographical area to be served so that the proposal may be evaluated against existing contracts and facilities. Information regarding Department of Defense facilities will pertain only to reconditioning or depot maintenance facilities.

**PART 101-43—UTILIZATION OF PERSONAL PROPERTY**

4. The table of contents for Part 101-43 is amended to include the following entry:

Sec.  
101-43.4901-122-1 Instructions for preparing Standard Form 122.

**Subpart 101-43.3—Utilization of Excess**

5. Section 101-43.303-1(b) is revised to read as follows:

**§ 101-43.303-1 Acquisition of mercury.**  
\* \* \* \* \*

(b) Mercury, which is at least 99.9 percent pure (not triple distilled), is available for transfer from GSA stocks at fair market value. Requests for mercury by an agency for direct use or for use by its cost-reimbursement-type contractors shall be made to the General Services Administration (DSD), Washington, DC 20406. The Program Manager, Stockpile Disposal Division, will furnish the current fair market value to the requesting agency, which then submits a request to the Project Manager for the transfer of the quantity required. The unit of issue is a 76-pound flask.

\* \* \* \* \*

6. Section 101-43.312(c) is revised to read as follows:

**§ 101-43.312 Exceptions to reporting.**  
\* \* \* \* \*

(c) Scrap and/or salvage: *Provided*, the property strictly conforms to the definitions for scrap and/or salvage [§ 101-43.4801 (e) and (f)].

\* \* \* \* \*

7. Section 101-43.313-3 is revised to read as follows:

**§ 101-43.313-3 Intangible property.**

Excess intangible property shall be reported to the General Services Administration (D), Washington, DC 20406, and shall not be transferred or disposed of without prior approval of GSA, except that bonds, notes, or other securities authorized to be disposed of by the Secretary of the Treasury under section 5 of the Act of April 3, 1945 (31 U.S.C. 741a), shall not be reported to GSA.

8. Section 101-43.315-2(d) is revised to read as follows:

**§ 101-43.315-2 Information of availability.**  
\* \* \* \* \*

(d) Submission of current and future requirements for excess personal property to the appropriate GSA regional office using GSA Form 1539, Request for Excess Personal Property. Section 101-43.4802-1539 illustrates GSA Form 1539, and § 101-43.4902-1539-1 provides instructions for its acquisition and use. Property utilization specialists in GSA regional offices continually review completed forms in an effort to match agency needs with property available for transfer. In addition, a mechanized method of cross-matching agency requirements against reported excess property is used, keyed to the 13-digit national stock number (NSN) furnished by reporting agencies on Standard Form 120, Report of Excess Personal Property, and by requesting agencies on GSA Form 1539. A bank of requirements is maintained, recorded by agency, and identified by the applicable national item identification number (NIIN) (the last nine digits of the NSN). As excess property is reported, availability is matched against requirements on a direct NIIN-to-NIIN basis. It is important that, wherever possible, the NSN be shown for each item requested. GSA will assist agencies in obtaining NSN's so that the requirements may be incorporated into the mechanized matching system. If substitute items are acceptable, these should be furnished at the same time and identified by the NSN. Agencies having electrical accounting machine punchcard capability may use this method to submit requirements. Instructions for submission of requirements may be obtained from the Federal Property Resources Service, Personal Property Division, at each GSA regional office. Agencies also may submit a list of property requirements that will be incorporated into the mechanized requirements bank and will be retained for approximately 180 calendar days. Reported excesses during this time, if matched with recorded requirements, will be offered for immediate transfer. Normally, items for which needs are registered will not be offered in GSA excess property catalogs and bulletins. Thus, it is advantageous for agencies to update their list of items at the end of each 180 calendar day period to receive the greatest benefits from the excess property program and to avoid removal of the items from the requirements bank.

**Subpart 101-43.47—Reports**

9. Section 101-43.4701(c) is revised to read as follows:

**§ 101-43.4701 Performance reports.**  
\* \* \* \* \*

(c) In accordance with section 202(e) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483), an annual report, in letter form, of personal property obtained as excess property or as property not excess to the owning agencies but determined to be no longer required for the purposes of the appropriation from which it was purchased, and subsequently furnished to a recipient other than a Federal agency in any manner within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall be submitted by each executive agency to the General Services Administration (DP), Washington, D.C. 20406, within 90 calendar days after the close of each fiscal year. The report shall include only those items furnished to non-Federal recipients during the fiscal year being reported. Interagency report control number 0154-GSA-AN has been assigned to this report in accordance with Subpart 101-11.11. Negative reports are required.

(1) The report shall reference FPMR § 101-43.4701(c) and shall provide the following data:

- (i) The name and address of each recipient;
- (ii) The status of each recipient; i.e., cost-reimbursement-type contractor, fixed-price-type contractor, project grantee, etc. (If the recipient acquired Federal personal property of the types specified in this § 101-43.4701(c) under two or more arrangements; e.g., cost-reimbursement-type contract and project grant, each arrangement shall be specified in the report); and
- (iii) The total original acquisition cost of all property furnished to each recipient, identified by each applicable two-digit Federal supply classification group.

(2) The Administrator will submit a report to the Senate and to the House summarizing and analyzing the reports of the executive agencies.

**Subpart 101-43.48—Exhibits**

10. Section 101-43.4801 is amended to revise paragraph (a)(2) and (b)(2) to read as follows:

**§ 101-43.4801 Excess personal property reporting requirements.**

(a) \* \* \*

(2) It has an acquisition cost (or standard price) of \$500 or more, except that a line item in group 71 will be reported to GSA without regard to acquisition cost (or standard price) if it is in better-than-salvage condition.

(b) \* \* \*

(2) Items in classes 1510 and 1520 held by the Department of Defense or other agencies shall be reported to the General Services Administration (9DP), San Francisco, CA 94105.

**Subpart 101-43.49—Illustrations of Forms**

11. Section 101-43.4901-122 is revised to delete the current instructions for preparing Standard Form 122 as follows:

**§ 101-43.4901-122 Standard Form 122, Transfer Order Excess Personal Property.**

12. Section 101-43.4901-122-1 is added to read as follows:<sup>1</sup>

**Instructions**

Standard Form 122 shall be used by executive agencies to submit the transfer orders required by the Federal Property Management Regulations (41 CFR 101-36.306 and 101-43.315).

Block 3. Enter the complete address of the appropriate GSA regional office.

Block 4. Enter the name and address of the ordering agency.

Block 5. Furnish the name and address of the agency having control of the property ordered.

Block 6. Furnish the name and address of the consignee.

Block 7. Show the location of property (building number, etc.).

Block 9. Show the signature of the authorized representative of the ordering agency and date.

Block 10. Furnish the full appropriation symbol and title (when appropriate).

Block 12. Enter the GBL Number if furnished.

Block 14. For GSA use.

**Important**

1. A separate transfer order shall be prepared for each different property location.

2. The transfer order shall be prepared in favor of the holding agency.

3. Complete shipping instructions or Government bills of lading must be furnished with each transfer order.

4. If reimbursement is required, the total fair value for the quantity requested must be shown below each item description in column C.

5. Four copies of the transfer order shall be

<sup>1</sup> The form illustrated in § 101-43.4901-122 is filed as part of the original document and does not appear in the Federal Register.

mailed to the appropriate GSA regional office. Attention: Personal Property Division, Federal Property Resources Service. When prior GSA approval is not required, only one copy of the transfer order shall be mailed to the GSA regional office.

13. Section 101-43.4902-1539-1 is amended to revise paragraph 2d to read as follows:

**§ 101-43.4902-1539-1 Instructions for preparing GSA Forms 1539.**

\* \* \* \* \*

2. \* \* \*

d. Nationwide requirements originating at agency headquarters may be submitted to the General Services Administration (DPU), Washington, DC 20406.

**PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY****Subpart 101-45.3—Sale of Personal Property**

14. Section 101-45.304-8 is amended to revise paragraphs (a) and (d)(1) as follows:

**§ 101-45.304-8 Forms prescribed.**

\* \* \* \* \*

(a) *Deviation.* In the interest of establishing and maintaining uniformity in Government sales contracts, no deviation shall be made from the Standard Form 114 series, and no special conditions of sales shall be included that are inconsistent with the provisions contained therein, unless approval is obtained from the Commissioner, Federal Property Resources Service (mailing address: General Services Administration (D), Washington, DC 20406).

\* \* \* \* \*

(d) \* \* \*

(1) Other special terms and conditions considered by a selling agency to be necessary for the particular property offered for sale and not inconsistent with those contained in the forms prescribed in this § 101-45.304-8 may be incorporated in invitations for bids in which these forms are used. These additional terms and conditions should be kept to a minimum. To the extent practicable, incorporation of these special conditions should be accomplished by a special form developed by the selling agency for that purpose and so indicated on Standard Form 114, Sale of Government Property—Bid and Award. Each selling agency shall review periodically these terms and conditions that are commonly used in its agency to standardize those in general use and eliminate unnecessary additions. The agency shall periodically forward to the

Commissioner, Federal Property Resources Service (General Services Administration (D), Washington, DC 20406), the additional terms and conditions desirable for inclusion in the Standard Forms.

**PART 101-46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY****Subpart 101-46.4—Disposal**

15. Section 101-46.407 is revised to read as follows:

**§ 101-46.407 Reports.**

Within 90 calendar days after the close of each fiscal year, executive agencies shall submit a summary report in letter form on the transactions made under this part during the fiscal year except for transactions involving books and periodicals. Negative reports are required. Total acquisition cost for property exchanged and total acquisition cost for property sold shall be furnished by two-digit Federal supply classification groups. These data shall be separated into two categories: (a) The States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands; and (b) all other areas of the world. The summaries shall not include any property that was initially designated for exchange/sale but which was transferred for further Federal utilization. Reports shall be addressed to the General Services Administration (DP), Washington, DC 20406. The report required by this regulation has been assigned interagency reports control number 1528-GSA-AN as set in Subpart 101-11.11.

**PART 101-48—UTILIZATION, DONATION, OR DISPOSAL OF ABANDONED AND FORFEITED PERSONAL PROPERTY****Subpart 101-48.2—Donation of Abandoned and Forfeited Personal Property**

16. Section 101-48.201-2 is revised to read as follows:

**§ 101-48.201-2 Establishment of eligibility.**

Eleemosynary institutions desiring to obtain available distilled spirits, wine,



and malt beverages shall submit GSA Form 18, Application of Eleemosynary Institution (see § 101-48.4902-18), to the General Services Administration (WDP), National Capital Region, Washington, DC 20407. The Office of Management and Budget Approval Number 29—R0012 has been assigned to this form

17. Section 101-48.201-3 is revised to read as follows:

**§ 101-48.201-3 Requests by institutions.**

Eligible institutions desiring to obtain available distilled spirits, wine, and malt beverages shall show on the GSA Form 18, Application of Eleemosynary Institution, the kind and quantity desired. The Federal Property Resources Service (WDP) will inform the eligible institution when these alcoholic beverages become available, request confirmation that the institution's requirement is current, and inform the institution that shipment will be initiated upon this confirmation.

18. Section 101-48.201-5 is revised to read as follows:

**§ 101-48.201-5 Donation of lots not required to be reported.**

Forfeited distilled spirits, wine, and malt beverages not required to be reported under § 101-48.101-5 may be donated to eleemosynary institutions known to be eligible therefor if the beverages are determined by the seizing agency to be suitable for human consumption. The holding agency shall promptly report these donations by letter to the General Services Administration (WDP), Washington, DC 20407. This report shall state the quantity and type donated, the name and address of the donee institution, and the date of the donation.

**Subpart 101-48.49—Illustrations of Forms**

19. Section 101-48.4902(b) is revised to read as follows:

**§ 101-48.4902 GSA forms.**

\* \* \* \* \*

(b) Copies of the GSA Form 18 may be obtained from the General Services Administration (WDP), Washington, DC 20407.

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

Dated: June 30, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-22841 Filed 8-3-81; 8:45 am]

BILLING CODE 6820-96-M

**41 CFR Part 101-4**

[FPMR Temp. Reg. A-20]

**Licensing of Federally Owned Inventions; Temporary Regulation**

**AGENCY:** General Services Administration.

**ACTION:** Temporary regulation.

**SUMMARY:** This temporary regulation provides policies and procedures applicable to the licensing of inventions owned by the Federal Government. The regulation implements Public Law 96-517. The intended effect is to provide a uniform basis for the licensing of federally owned inventions by agencies in the interest of achieving maximum practicable exploitation of inventions in the national interest.

**DATES:** Effective date: July 1, 1981. Expiration date: This regulation will continue in effect until July 1, 1983, unless canceled earlier.

Submit comments by: September 3, 1981.

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

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

In 41 CFR Chapter 101, a temporary regulation is added to the appendix at the end of Subchapter A which reads as follows:

July 29, 1981.

**Federal Property Management Regulations, Temporary Regulation A-20**

To: Heads of Federal agencies  
Subject: Licensing of federally owned inventions

1. *Purpose.* This temporary regulation prescribes policies and procedures for the licensing of federally owned inventions.

2. *Effective date.* This temporary regulation is effective July 1, 1981.

3. *Expiration date.* This temporary regulation will continue in effect until July 1, 1983, unless canceled earlier.

4. *Background.* GSA published a regulation governing the licensing of federally owned inventions in Subpart 101-4.1 of the Federal Property Management Regulations (FPMR) on February 5, 1973. Subsequently, the regulation was challenged by Mr. Ralph Nader, but his action was rejected in 1975 by the U.S. Circuit Court of Appeals for the District of Columbia on the grounds of lack of standing to sue.

Mr. Nader's suit questioned the legality of the original licensing regulation. Public Law 96-517 provides an explicit legal basis for a patent licensing regulation. The temporary regulation implements the new law which is effective July 1, 1981. The regulation was developed by the Patent Subcommittee of the Interagency Procurement Policy Committee. The subcommittee is composed of the principal patent lawyers from the agencies involved in patent matters. Comments have been solicited but time did not permit receipt and consideration prior to the effective date of the law. The regulation will be revised and reissued after consideration of the comments received.

5. *Explanation of changes.* This temporary regulation revised Subpart 101-4.1. The subpart, as revised, is set forth in an attachment to the regulation.

6. *Submission of comments.* As noted in paragraph 4, comments have been invited. Those interested in submitting comments should do so on or before September 4, 1981. Comments will be considered prior to the reissuance of a permanent amendment of the FPMR.

Ray Kline,

Acting Administrator of General Services.

**FPMR Temp. Reg. A—Attachment A**

Subpart 101-4.1 is revised to read as follows:

**PART 101-4—PATENTS**

**Subpart 101-4.1—Licensing of Federally Owned Inventions**

- Sec.
- 101-4.100 Scope of subpart.
  - 101-4.101 Policy and objective.
  - 101-4.102 Definitions.
  - 101-4.103 Authority to grant licenses.
  - 101-4.104 Restrictions, conditions, and types of licenses.
  - 101-4.104-1 All licenses granted under this subpart.
  - 101-4.104-2 Nonexclusive licenses.
  - 101-4.104-3 Exclusive and partially exclusive licenses.
  - 101-4.105 Procedures.
  - 101-4.105-1 Application for a license.
  - 101-4.105-2 Notice to Attorney General.
  - 101-4.105-3 Modification and termination of licenses.
  - 101-4.105-4 Appeals.
  - 101-4.105-5 Protection and administration of inventions.
  - 101-4.105-6 Transfer of custody.
  - 101-4.105-7 Confidentiality of information.

**Subpart 101-4.1—Licensing of Federally Owned Inventions**

**§ 101-4.100 Scope of subpart.**

This subpart prescribes the terms, conditions, and procedures upon which a federally owned invention, other than

an invention in the custody of the Tennessee Valley Authority, may be licensed. This subpart does not affect licenses which (a) were in effect prior to July 1, 1981; (b) may exist at the time of the Government's acquisition of title to the invention, including those resulting from the allocation of rights to inventions made under Government research and development contracts; (c) are the result of an authorized exchange of rights in the settlement of patent disputes; or (d) are otherwise authorized by law or treaty.

#### § 101-4.101 Policy and objective.

It is the policy and objective of this subpart to use the patent system to promote the utilization of inventions arising from federally supported research or development.

#### § 101-4.102 Definitions.

(a) "Federally owned invention" means an invention, plant, or design which is covered by a patent, or patent application in the United States, or a patent, patent application, plant variety protection, or other form of protection, in a foreign country, title to which has been assigned to or otherwise vested in the U.S. Government.

(b) "Federal agency" means an executive department, military department, Government corporation, or independent establishment, except the Tennessee Valley Authority, which has custody of a federally owned invention:

(c) "Small business firm" means a small business concern as defined in section 2 of Pub. L. 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration.

(d) "Practical application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system, and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

#### § 101-4.103 Authority to grant licenses.

Federally owned inventions shall be made available for licensing as deemed appropriate in the public interest. Federal agencies having custody of federally owned inventions may grant nonexclusive, partially exclusive, or exclusive licenses thereto under this subpart.

#### § 101-4.104 Restrictions, conditions, and types of licenses.

##### § 101-4.104-1 All licenses granted under this subpart.

(a) *Restrictions.* (1) A license may only be granted if the applicant has supplied the Federal agency with a satisfactory plan for developing or marketing the invention, or both, and with information about the applicant's capability to fulfill the plan.

(2) A licensee granting rights to use or sell under a federally owned invention in the United States shall normally be granted only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

(b) *Conditions.* Licenses shall contain such terms and conditions as the Federal agency determines are appropriate for the protection of the interests of the Federal Government and the public and are not in conflict with law or this subpart. The following terms and conditions apply to any license:

(1) The duration of the license shall be for a period as specified in the license agreement, unless sooner terminated in accordance with this subpart.

(2) The license may be granted for all or less than all fields of use of the invention or in specified geographical areas, or both.

(3) The license may extend to subsidiaries of the licensee or other parties as provided for in the license but shall be nonassignable without approval of the Federal agency, except to the successor of that part of the licensee's business to which the invention pertains.

(4) The license may provide the licensee the right to grant sublicenses under the license, subject to the approval of the Federal agency. Each sublicense shall make reference to the license, including the rights retained by the Government, and a copy of such sublicense shall be furnished to the Federal agency.

(5) The license shall require the licensee to carry out the plan for development or marketing of the invention, or both, to bring the invention to practical application within a period specified in the license, and to continue to make the benefits of the invention reasonably accessible to the public.

(6) The license shall require the licensee to report periodically on the utilization or efforts at obtaining utilization that are being made by the licensee, with particular reference to the plan submitted.

(7) Licenses may be royalty-free or for royalties or other consideration.

(8) Where an agreement is obtained under § 101-4.104-1(a)(2) that any products embodying the invention or produced through use of the invention will be manufactured substantially in the United States, the license shall recite such agreement.

(9) The license shall provide for the right of the Federal agency to terminate the license, in whole or in part, if:

(i) The Federal agency determines that the licensee is not executing the plan submitted with its request for a license and the licensee has not otherwise demonstrated to the satisfaction of the Federal agency that it has taken or can be expected to take, within a reasonable time, effective steps to achieve practical application of the invention;

(ii) The Federal agency determines that such action is necessary to meet requirements for public use as specified by Federal regulations issued after the date of the license and such requirements are not reasonably satisfied by the licensee;

(iii) The licensee has willfully made a false statement of or willfully omitted a material fact in the license application or in any report required by the license agreement; or

(iv) The licensee commits a substantial breach of a covenant or agreement contained in the license.

(10) The license may be modified or terminated, consistent with this subpart, upon mutual agreement of the Federal agency and the licensee.

(11) Nothing relating to the grant of a license, nor the grant itself, shall be construed to confer upon any person any immunity from or defenses under the antitrust laws or from a charge of patent misuse, and the acquisition and use of rights under this subpart shall not be immunized from the operation of State or Federal law by reason of the source of the grant.

##### § 101-4.104-2 Nonexclusive licenses.

(a) *Availability of licenses.* Nonexclusive licenses may be granted under federally owned inventions without publication or notice.

(b) *Conditions.* In addition to the provisions of § 101-4.104-1, the license may also provide that, after termination of a period specified in the license agreement, the Federal agency may restrict the license to fields of use or geographic areas, or both, in which the licensee has brought the invention to practical application and continues to make the benefits of the invention reasonably accessible to the public.

**§ 101-4.104-3 Exclusive and partially exclusive licenses.**

**(a) Domestic licenses.—**

(1) *Availability of licenses.* Exclusive or partially exclusive licenses may be granted on federally owned inventions: (i) Three months after notice of the invention's availability has been announced in the Federal Register; or (ii) without such notice where the Federal agency determines that expeditious granting of such a license will best serve the interests of the Federal Government and the public; and (iii) in either situation, specified in paragraph (a)(1) (i) or (ii) only if:

(A) Notice of a prospective license, identifying the invention and the prospective licensee, has been published in the Federal Register, providing opportunity for filing written objections within a 60-day period;

(B) After expiration of the period in § 101-4.104-3(a)(1)(iii)(A) and consideration of any written objections received during the period, the Federal agency has determined that:

(1) The interests of the Federal Government and the public will best be served by the proposed license, in view of the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public;

(2) The desired practical application has not been achieved, or is not likely expeditiously to be achieved, under any nonexclusive license which has been granted, or which may be granted, on the invention;

(3) Exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth the investment of risk capital and expenditures to bring the invention to practical application or otherwise promote the invention's utilization by the public; and

(4) The proposed terms and scope of exclusivity are not greater than reasonably necessary to provide the incentive for bringing the invention to practical application or otherwise promote the invention's utilization by the public;

(C) The Federal agency has not determined that the grant of such license will tend substantially to lessen competition or result in undue concentration in any section of the country in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with the antitrust laws; and

(D) The Federal agency has given first preference to any small business firms submitting plans that are determined by the agency to be within the capabilities of the firms and as equally likely, if

executed to bring the invention to practical application as any plans submitted by applicants that are not small business firms.

(2) *Conditions.* In addition to the provisions of § 101-4.104-1, the following terms and conditions apply to domestic exclusive and partially exclusive licenses:

(i) The license shall be subject to the irrevocable, royalty-free right of the Government of the United States to practice and have practiced the invention on behalf of the United States and on behalf of any foreign government or international organization under any existing or future treaty or agreement with the United States.

(ii) The license shall reserve to the Federal agency the right to require the licensee to grant sublicenses to responsible applicants, on reasonable terms, when necessary to fulfill health or safety needs.

(iii) The license shall be subject to any licenses in force at the time of the grant of the exclusive or partially exclusive license.

(iv) The license may grant the licensee the right of enforcement of the licensed patent under the provisions of Chapter 29 of title 35, U.S. Code, or other statutes, as determined appropriate in the public interest.

(b) *Foreign licenses.*—(1) *Availability of licenses.* Exclusive or partially exclusive licenses may be granted on a federally owned invention covered by a foreign patent, patent application, or other form of protection, provided that:

(i) Notice of a prospective license, identifying the invention and prospective licensee, has been published in the Federal Register, providing opportunity for filing written objections within a 60-day period;

(ii) The agency has considered whether the interests of the Federal Government or United States industry in foreign commerce will be enhanced; and

(iii) The Federal agency has not determined that the grant of such license will tend substantially to lessen competition or result in undue concentration in any section of the United States in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with antitrust laws.

(2) *Conditions.* In addition to the provisions of § 101-4.104-1, the following terms and conditions apply to foreign exclusive and partially exclusive licenses:

(i) The license shall be subject to the irrevocable, royalty-free right of the Government of the United States to practice and have practiced the

invention on behalf of the United States and on behalf of any foreign government or international organization under any existing or future treaty or agreement with the United States.

(ii) The license shall be subject to any licenses in force at the time of the grant of the exclusive or partially exclusive license.

(iii) The license may grant the licensee the right to take any suitable and necessary actions to protect the licensed property, on behalf of the Federal Government.

(c) *Record of determination.* Federal agencies shall maintain a record of determination to grant exclusive or partially exclusive licenses.

**§ 101-4.105 Procedures.**

**§ 101-4.105-1 Application for a license.**

An application for a license should be addressed to the Federal agency having custody of the invention and shall normally include:

(a) Identification of the invention for which the license is desired, including the patent application serial number or patent number, title, and date, if known;

(b) Identification of the type of license for which the application is submitted;

(c) Name and address of the person, company, or organization applying for the license and the citizenship or place of incorporation of the applicant;

(d) Name, address, and telephone number of representative of applicant to whom correspondence should be sent;

(e) Nature and type of applicant's business, identifying products or services which the applicant has successfully commercialized, and approximate number of applicant's employees;

(f) Source of information concerning the availability of a license on the invention;

(g) A statement indicating whether the applicant is a small business firm as defined in § 101.4-102(c);

(h) A detailed description of applicant's plan for development or marketing of the invention, or both, which should include:

(1) A statement of the time, nature, and amount of anticipated investment of capital and other resources which applicant believes will be required to bring the invention to practical application;

(2) A statement as to applicant's capability and intention to fulfill the plan, including information regarding manufacturing, marketing, financial, and technical resources;

(3) A statement of the fields of use for which applicant intends to practice the invention; and

(4) A statement of the geographic areas in which applicant intends to manufacture any products embodying the invention and geographic areas where applicant intends to use or sell the invention, or both;

(i) Identification of licenses previously granted to applicant under federally owned inventions;

(j) A statement containing applicant's best knowledge of the extent to which the invention is being practiced by private industry or Government, or both, or is otherwise available commercially; and

(k) Any other information which applicant believes will support a determination to grant the license to applicant.

#### § 101-4.105-2 Notice to the Attorney General.

A copy of the notice provided for in §§ 101-4.104-3(a)(1)(iii)(A) and 101-4.104-3(b)(1)(i) will be sent to the Attorney General.

#### § 101-4.105-3 Modification and termination of licenses.

Before modifying or terminating a license, other than by mutual agreement, the Federal agency shall furnish the licensee and any sublicensee of record a written notice of intention to modify or terminate the license, and the licensee and any sublicensee shall be allowed 30 days after such notice to remedy any breach of the license or show cause why the license should not be modified or terminated.

#### § 101-4.105-4 Appeals.

In accordance with procedures prescribed by the Federal agency, the following parties, if damaged, may appeal to the agency head or designee any decision or determination concerning the grant, denial, interpretation, modification, or termination of a license:

(a) A person whose application for a license has been denied;

(b) A licensee whose license has been modified or terminated, in whole or in part; or

(c) A person who timely filed a written objection in response to the notice required by §§ 101-4.104-3(a)(1)(iii)(A) or 101-4.104-3(b)(1)(i).

#### § 101-4.105-5 Protection and administration of inventions.

A Federal agency may take any suitable and necessary steps to protect

and administer rights to federally owned inventions, either directly or through contract.

#### § 101-4.105-6 Transfer of custody.

A Federal agency having custody of a federally owned invention may transfer custody and administration in whole or in part, to another Federal agency, of the right, title, or interest in such invention.

#### § 101-4.105-7 Confidentiality of information.

Title 35, U.S. Code, section 209, provides that any plan submitted under § 101-4.105-1(h) and any report required by § 101-4.104-1(b)(6) may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the U.S. Code.

[FR Doc. 81-22594 Filed 8-3-81; 8:45 am]

BILLING CODE 6820-61-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA 6119]

#### List of Communities Eligible for Sale of Insurance Under National Flood Insurance Program; Texas, et al.

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

**ADDRESSES:** 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. Richard W. Krimm, National Flood Insurance Program, (202) 755-5581 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, 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. 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.

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 this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

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 dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Texas: Collin	Unincorporated areas	480130B	June 16, 1981, emergency; June 16, 1981, regular.	Dec. 6, 1977 and Mar. 16, 1981.
Illinois: Jersey	Jerseyville, City of	170315B	June 17, 1981, emergency	June 7, 1974 and June 4, 1976.
Texas: Blanco	Unincorporated areas	480711	do.	Do.
Georgia: Gwinnett	Duluth, City of	130098B	Dec. 17, 1975, emergency; June 1, 1981, regular; June 1, 1981, suspended; June 19, 1981, reinstated.	May 24, 1974 and May 21, 1976.
Pennsylvania: Perry	Centre, Township of	422498A	Aug. 12, 1975, emergency; June 1, 1981, regular; June 1, 1981, suspended; June 23, 1981, reinstated.	Jan. 31, 1975.
Illinois: St. Clair	Sauget, Village of	170635A	July 6, 1976, emergency; Aug. 1, 1980, regular; Aug. 1, 1980, suspended; June 24, 1981, reinstated.	Dec. 13, 1974.
Minnesota: Benton	Unincorporated areas	270019B	Aug. 13, 1974, emergency; Jan. 2, 1981, regular; Jan. 2, 1981, suspended; June 24, 1981, reinstated.	June 28, 1974 and Oct. 21, 1977.
Illinois: Grundy	East Brooklyn, Village of	170973B	June 24, 1981, emergency	Mar. 21, 1975 and Jan. 16, 1981.
Pennsylvania: Centre	Taylor, township of	421469A	do.	Dec. 20, 1974 and May 28, 1976.
Kentucky: Bourbon	Paris, city of	210015B	July 23, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended; June 24, 1981, reinstated.	Jan. 18, 1974 and Feb. 20, 1976.
Pennsylvania: Beaver	Center, township of	422310	Aug. 11, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended; June 30, 1981, reinstated.	Jan. 17, 1975.
Kansas: Barton	Unincorporated areas	200016A	June 26, 1981, emergency	Aug. 2, 1977.

(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: July 16, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-22529 Filed 8-3-81; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 65

[Docket No. FEMA 6120]

#### 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 DATES:** The effective date shown at the top right of the table or September 3, 1981, 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)

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 this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

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 (FHBM in effect).

1	2	3	4	5	6	7	8	9		10		11	EFFECTIVE DATE		
								STATUS OF	FIRM	FHBM	FIRM		REVISION CODE(S)	12	13
STATE	IDENT NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (# AND SUFFIX)	INLAND/COASTAL	HAZARD	603 CODE	PROGRAM STATUS	FHBM	FIRM	FHBM	FIRM	REVISION CODE(S)	RESCISSION	FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY
AR	050443	Lawrence County (Unincorporated Areas)	0001- 0009B	I	FL	B	4	3	1	6-3-77	N/A	9 10	N/A	N/A	Hon. Cleo Moody Lawrence County Judge County Courthouse Wlanut Ridge, AR 72476 (501) 886-2167
OH	390778	Perry County (Unincorporated Areas)	0001B thru 0006B	I	FL	B	1	3	1	1-20-78	N/A	9 10 16	N/A	N/A	EFFECTIVE DATE: August 7, 1981 Richard N. Sayre, Chairman County Commissioner Perry County Courthouse Box 248 New Lexington, OH 43764
MO	290286	Pike County (Unincorporated Areas)	0001- 0012A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	EFFECTIVE DATE: August 11, 1981 Hon. Darwin B. Griffith Pike County Judge County Seat Bowling Green, MO 63334 (314) 324-2412
NY	361060	Village of Richmondville Schoharie County	0005B	I	FL	B	1	3	1	5/31/74 9/26/75	N/A	9	N/A	N/A	EFFECTIVE DATE: August 14, 1981 Leon Butler, Supervisor Village Hall Richmondville, NY 12149 (518) 294-8851
NY	361287	Town of Nunda (Livingston County)	0001A 0002A	I	FL	B	1	3	1	1/31/75	N/A	8 9 10	N/A	N/A	Everett P. Mann, Supervisor East Street Nunda, NY 14517 (716) 468-2215

August 14, 1981

EFFECTIVE DATE

1	2	3	4	5	6	7	8	9	10		11		12	13	14
									STATUS OF	PREVIOUS MAP DATES	REVISION CODE(S)	RESCISSON			
STATE	IDCNT. NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (M AND SUFFIX)	INLAND/COASTAL	HAZARD	603 CODE	PROGRAM STATUS	FHBM	FIRM	FHBM	FIRM	REVISION CODE(S)	RESCISSON	FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY
IL	170976	Village of Wonder Lake McHenry County	0001B	I	FL	B	1	3	1	7/6/79	N/A	21	N/A	N/A	James E. Rachel, Vill. Pres. P. O. Box 238 Wonder Lake, IL 60097 815-728-1226
OH	390015	Village of Amesville Athens County	0001A	I	FL	B	1	3	1	7/25/75	N/A	10	N/A	N/A	Dewey Dailey, Mayor Amesville Village Hall Amesville, OH 45711 614-448-2495
OH	390877	City of Springdale Hamilton County	0001A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Cecil Osborn, City Administrator Municipal Building 12105 Lawnview Avenue Springdale, OH 45246 513-671-0885
NY	360211	Village of Sidney Delaware County	0001B	I	FL	B	1	3	1	2/8/74 5/14/76	N/A	8 9 10	N/A	N/A	Sidney Civic Center 21 Liberty Street Sidney, NY 13838
OK	400508	Atoka County	0025A 0050A 0075A 0100A 0125A 0150A 0175A 0200A 0225A 0250A 0275A 0300A	I	FL	B	1	2	1	N/A	N/A	N/A	n/a	N/A	Joe Tisdale, Chairman County Commissioners County Courthouse Atoka, OK 74525 (405) 889-3565
OR	410208	City of Helix Umatilla County	0001B	I	FL	B	1	3	1	12/20/74 8/25/79	N/A	8 9	N/A	N/A	Hon. Dean L. Newton, Mayor P. O. Box 237 Helix, Oregon 97302 (503) 991-9633

EFFECTIVE DATE: August 18, 1981



EFFECTIVE DATE August 21, 1981

1	2	3	4	5	6	7	8	9		10		11	12	13	14
								STATUS OF PROGRAM	STATUS	FIRM	FIRM				
STATE	IDENT. NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (# AND SUFFIX)	INLAND/COASTAL	HAZARD	603 CODE	PROGRAM STATUS	FHBM	FIRM	FHBM	FIRM	REVISION (CODES)	RESCISSON	FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY
MD	240118	Town of Poolesville, Montgomery County	0001A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Charles W. Elgin, Mayor Board of Commissioners P. O. Box 150 Poolesville, MD 20827 301-428-8927
OH	390427	City of Zanesville Muskungum Co.	0001D 0002D	I	FL	B	1	3	1	5/3/74 9/12/75 8-3-79 6-27-80	N/A	9 10 16	N/A	N/A	Cameron R. Agien, Mayor City Hall 401 Market Street Zanesville, OH 43701 614-452-5441
VA	510243	Crayson County Unincorporated Areas	0001A thru 0007A	I	FL	B	1	3	1	1/31/75	N/A	9 10 16	N/A	N/A	Donald Young Co. Admin. County Courthouse P. O. Box 358 Independence, VA 24348 703-773-2871
VT	500024	Town of Barnet Caledonia Co.	0005B 0010B 0015B	I	FL	B	1	3	1	2/22/74 9/17/76	N/A	9 10	N/A	N/A	Maurice G. Roberts Acting Chairman, Planning Commission, Box 15 Barnet, VT 05821
ME	230115	Town of Patten Penobscot County	0005B 0010B 0015B 0020B	I	FL	B	1	3	1	11/1/74 10/8/76	N/A	9 10	N/A	N/A	Donald C. Grant, Town Manager Town Hall, Patten, ME 04765
NC	370431	Town of Hayesville Clay Co.	0005A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Hon. Paul J. Vaught, Jr. Town Hall P. O. Box 235 Hayesville, NC 28904
NB	310293	Village of Junilata Adams County	0001A	I	FL	H	1	3	1	1-17-75	N/A	8 10	N/A	N/A	Mr. Larry Hale, Chairman Box 122 Junilata, NB 68955 402-751-2131

EFFECTIVE DATE August 28, 1981

1	2	3	4	5	6	7	8	9		10	11		12	13	14
STATE	IDENT NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (M AND SUFFIX)	INLAND/COASTAL	HAZARD	603 CODE	PROGRAM STATUS	FHBM	FIRM	FHBM	FIRM	REVISION CODE(S)	RESCISSON	FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY
PA	421983	Township of Pike (Potter Co.)	Index 0001A 0002A 0003A 0004A	I	FL	B	1	3	1	12/20/74	N/A	9 10 16	N/A	N/A	J. Wm. Raymer, Chairman Twp. Board of Supervisors Clinton St. Extension Galeton, PA 16922 Phone: (814) 435-2448
VA	510307	Nottoway County (Uninc. Area)	Index 0001A 0002A 0003A 0004A 0005A 0006A 0007A	1	FL	B	1	3	1	3/28/75	N/A	9 10 16	N/A	N/A	Ronald Rourke County Administrator County Court House Nottoway, VA 23955 Phone: (804) 645-9043 Ct. Hse. (804) 645-8696 Office

BILLING CODE 6718-03-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=Withdraw; 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 Zone 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,
  11. Non-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

\*Dual entry is available.

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: July 16, 1981.

**Donald L. Collins,**

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-22530 Filed 8-3-81; 8:45 am]

BILLING CODE 6710-03-M

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[BC Docket No. 81-32; RM-3667]

**FM Broadcast Station in Temecula, Calif.; Changes Made in Table of Assignments****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** This action assigns FM Channel 205A to Temecula, California, as that community's first FM assignment. This action is taken in response to a petition from Valley Public Radio, Inc.

**DATE:** Effective September 28, 1981.**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Broadcast Bureau, (202) 632-7792.**SUPPLEMENTARY INFORMATION:****Report and Order**

(Proceeding Terminated)

Adopted: July 22, 1981.

Released: July 29, 1981.

By the Chief, Policy and Rules Division.

In the matter of amendment of § 73.504(a), Table of Assignments, Noncommercial Educational FM Broadcast Stations (Temecula, California).

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 10779, published February 4, 1981, proposing the assignment of FM Channel 205A to Temecula, California, for noncommercial educational use, at the request of Valley Public Radio, Inc.

("petitioner"). Supporting comments were filed by the petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received. In order to comply with the Commission's minimum distance mileage separation requirements, a site restriction of 1.7 kilometers (1.1 miles) southeast of Temecula is required.

2. Temecula, in Riverside County (population 459,074),<sup>1</sup> is approximately 118 kilometers (74 miles) southeast of Los Angeles, California. Temecula is presently served by low power Class D noncommercial station, KRTM-FM, of which petitioner is the licensee.

3. Petitioner has submitted information with regard to Temecula which is persuasive as to its need for a first local noncommercial educational FM assignment.

4. We believe the public interest would be served by the assignment of FM Channel 205A to Temecula, California, for noncommercial educational use. An interest has been shown in its use, and such an assignment would provide for an FM station which could render a first local aural broadcast service.

5. The Mexican Government has given its concurrence in the assignment of Channel 205A to Temecula, California.

6. Authority for the adoption of the amendment herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended and § 0.251 of the Commission's Rules.

7. Accordingly, it is ordered, That effective September 28, 1981, § 73.504(a) of the Commission's Rules, Table of Assignments-Noncommercial FM Stations, is amended with regard to the following community:

City	Channel No.
Temecula, Calif. ....	205A

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

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

Federal Communications Commission.

**Henry L. Baumann,**

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-22575 Filed 8-3-81; 8:45 am]

BILLING CODE 6712-01-M

<sup>1</sup> Population figures are taken from the 1970 U.S. Census.

**47 CFR Part 73**

[BC Docket No. 80-732; RM-3639]

**FM Broadcast Station in Ainsworth, Nebr.; Changes Made in Table of Assignments****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** This action assigns FM Channel 224A to Ainsworth, Nebraska, in response to a petition filed by KBR Broadcasting Company. The assignment could provide Ainsworth with a first FM service.

**DATE:** Effective September 28, 1981.**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION: Report and Order**

(Proceeding Terminated)

Adopted: July 22, 1981.

Released: July 29, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Ainsworth, Nebraska).

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 79841, published December 2, 1980, proposing the assignment of FM Channel 224A to Ainsworth, Nebraska, as that community's first FM assignment, at the request of KBR Broadcasting Company ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel if assigned. No oppositions to the proposal were received.

2. Ainsworth (population 2,073), the seat of Brown County (population 4,021),<sup>1</sup> is located in north-central Nebraska approximately 205 kilometers (140 miles) southeast of Norfolk. Ainsworth is served by full-time AM Station KBRB, licensed to the petitioner.

3. Petitioner has submitted information with respect to Ainsworth which is persuasive as to its need for a first local FM assignment.

4. We believe the public interest would be served by the assignment of Channel 224 to Ainsworth, Nebraska. An interest has been shown for its use, and such an assignment would provide the community with a first FM station.

<sup>1</sup> Population data are taken from the 1970 U.S. Census.

5. Petitioner should coordinate its proposed site with the licensee of Station KBRX (224A) in O'Neill, Nebraska, which, pursuant to Docket 79-113, is to change to Channel 275. Until the change is made, the assignments would be approximately 3 miles short-spaced.

6. Authority for the adoption of the amendment herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. Accordingly, it is ordered, That effective September 28, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Ainsworth, Nebr	224A.

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

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-22573 Filed 8-3-81; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[BC Docket No. 80-725; RM-3648]

**FM Broadcast Station in Los Lunas, N. Mex.; Changes Made in Table of Assignments****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** This action assigns FM Channel 272A to Los Lunas, New Mexico, in response to a petition filed by Frieda Brasher and Michael, Paul and Perkins Brasher. The assignment could provide a first local aural broadcast service for Los Lunas.

**DATE:** Effective September 28, 1981.**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:****Report and Order**

(Proceeding Terminated)

Adopted: July 15, 1981.

Released: July 29, 1981.

By the Chief, Policy and Rules.

In the matter of amendment of § 73.202(b), FM Table of Assignments, FM Broadcast Stations (Los Lunas, New Mexico).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 78735, published November 26, 1980, proposing the assignment of FM Channel 272A to Los Lunas, New Mexico, as that community's first FM assignment, at the request of Frieda Brasher, and Michael, Paul, and Perkins Brasher ("petitioners"). Supporting comments were filed by the petitioners in which they reaffirmed their intent to file for the channel if assigned. The assignment can be made in compliance with the Commission's mileage separation requirements.

2. Los Lunas (population 973), seat of Valencia County (population 40,539), is located approximately 32 kilometers (20 miles) south of Albuquerque, New Mexico.<sup>1</sup> Petitioner states that the preliminary 1980 U.S. Census shows the population to be 3,531. This community presently has no local aural broadcast service.

3. Petitioner has submitted sufficient economic and demographic information with respect to Los Lunas to demonstrate the need for a first FM assignment.

4. We believe the public interest would be served by the assignment of Channel 272A to Los Lunas, New Mexico. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first full-time local aural broadcast service.

5. Authority for the adoption of the amendment herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, That effective September 28, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

<sup>1</sup> Population data are taken from the 1970 U.S. Census.

City	Channel No.
Los Lunas, N. Mex.	272A.

7. It is further ordered, That this proceeding is terminated.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-22674 Filed 8-3-81; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[BC Docket No. 81-170; RM-3712]

#### TV Broadcast Station in Lander, Wyo.; Changes Made in Table of Assignments.

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This action assigns Channel 5 and reserves Channel \*4 for noncommercial educational use at Lander, Wyoming, in response to requests from Central Wyoming College and the Chrysostom Corporation. The assignments could provide a first local commercial and noncommercial educational TV station to Lander. Further, the commercial applicant for Channel 4, Chrysostom, is permitted to amend to Channel 5 with cut-off protection retained.

**DATE:** Effective September 28, 1981.

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

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

#### SUPPLEMENTARY INFORMATION:

##### Report And Order

(Proceeding Terminated)

Adopted: July 20, 1981.

Released: July 30, 1981.

By the Chief, Policy and Rules Division.

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Lander, Wyoming).

1. Before the Commission is the *Notice of Proposed Rule Making*, 46 FR 19005, published March 27, 1981, which proposed to assign and reserve VHF-TV Channel \*5 for Lander, Wyoming. Comments have been received from Central Wyoming College ("CWC"), applicant for a noncommercial educational station on VHF-TV Channel 4, Lander, and by the Chrysostom

Corporation, licensee of Station KCWY-TV (UHF TV Channel 14), Casper, Wyoming, and an applicant for a commercial station on Channel 4 at Lander. CWC and Chrysostom have filed reply comments.

2. CWC originally filed a request to reserve Channel 4 for noncommercial educational use. However, when another interest was expressed in using that channel on a commercial basis, the Commission, on its own, searched for and proposed a different channel for noncommercial educational use. The particular channel that was to be designated with a reservation was of no special concern to us. CWC has, in response to the *Notice*, made us aware of its need to have Channel 4 reserved rather than another channel. It states that it submitted an application for Channel 4 on January 19, 1981 (BPCT 810119 KG), and also applied for federal assistance from the Public Telecommunications Facilities Program (PTFP) through the National Telecommunications and Information Administration (NTIA). Its chances for funding would be seriously impaired if it had to amend its application and start the process all over again due to time constraints imposed by NTIA plus the current budget restrictions, we are told by CWC. It further asserts that Chrysostom which has stated a desire to establish a satellite station on Channel 4, could do so on Channel 5 instead. CWC notes that Harriscope Broadcasting Corporation, licensee of KTWO (AM) and KTWO-TV, Casper, Wyoming, and of a translator station on Channel 4 at Lander, may also feel forced to apply for a commercial satellite station on Channel 4 should that channel remain unreserved.

3. Chrysostom, in its comments, states that it submitted its application for Channel 4 on April 28, 1981 (BPCT-810428 KG). It urges us to retain Channel 4 as the commercial assignment, as proposed in the *Notice*, so that it may initiate commercial service in the most expeditious fashion. Chrysostom notes that there are no occupied noncommercial channels in Wyoming and previous attempts have not produced a station. However, we have no reason to doubt petitioner's stated interest in constructing and operating a noncommercial station in Lander.

4. In reply, CWC characterizes Chrysostom's participation in this proceeding and in the application filing as an attempt to delay or destroy the establishment of noncommercial educational service in west central Wyoming. It argues that if Chrysostom were truly interested in expedition, it

would not have applied for a channel which requires a hearing to select a licensee. CWC believes that the Commission can accommodate Chrysostom's interest on Channel 5 by its assignment without a reservation.

5. Chrysostom responds that CWC is deceiving the Commission into believing that federal funding is probable. Rather, it argues, there has been no such commitment, PTFP funding may not be available if Congressional appropriations are inadequate, and CWC's misrepresentations in this regard should disqualify it as a potential licensee of the proposed assignment. On this basis, Chrysostom urges the Commission to retain Channel 4 for commercial use instead of the alternative proposal for Channel 5.

6. Lander (population 7,125),<sup>1</sup> in Fremont County (pop. 28,352), is located in the western portion of Wyoming, approximately 32 kilometers (20 miles) southwest of Riverton, Wyoming. It is presently assigned Channel 4 for which two applications are pending.

7. Both parties are concerned with the particular channel that is allocated for commercial and noncommercial educational use apparently to avoid delays which would result from amending their applications. In addition, in CWC's case, the funding request would have to be refilled which may affect the receipt of a grant this year. We have no preference as to which channel is reserved and our main concern is the public's interest in receiving new services. As it relates here, the earliest initiation of service, as proposed by both parties, would be the best solution to this proceeding. We believe that CWC's best chance for funding and initiation of service this year would require the reservation of Channel \*4 for noncommercial educational use. Chrysostom would have to amend its application to specify Channel 5 which we would assign without a reservation. However, we do not wish to delay Chrysostom in its apparent desire to initiate service at the earliest possible date. Thus, we shall retain Chrysostom's cut-off protection while it amends so that there would be no delay in processing its application. The retention of cut-off protection is warranted here since any other interested commercial applicant already had the opportunity to apply for a Lander station by the recent availability of Channel 4 and none expressed an interest in doing so. See, *Miami, Florida, et al.* (BC Docket No. 78-207), 46 R.R. 2d

<sup>1</sup> Population data are taken from the 1970 U.S. Census.

1272 (1980). We believe this solution best satisfies the concerns of both parties for early initiation of service on their respective channels.

8. Accordingly, it is ordered, That effective September 28, 1981, the TV Table of Assignments (Section 73.606(b) of the Rules) IS AMENDED for the following community:

City	Channel No.
Lander, Wyo.....	*4, 5

9. Authority for the action taken is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-22597 Filed 8-3-81; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 91

[Docket No. 22050; SFAR No. 44]

#### Special Federal Aviation Regulation No. 44; Air Traffic Control System Emergency Operation

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The Professional Air Traffic Controllers Organization (PATCO) has informed the Federal Aviation Administration that its member air traffic controllers would initiate a strike or other significant job action beginning at 7:00 a.m. EDT on August 3, 1981. Since that action by air traffic controllers will significantly affect the FAA's ability to operate the Air Traffic Control system and reduce the level of air traffic control services that the FAA is capable of providing, the Administrator has determined that an emergency exists which requires special Air Traffic Control provisions to provide for the

orderly movement of air traffic. This Special Federal Aviation Regulation establishes provisions for the operation of the Air Traffic Control system during the period the emergency conditions exist and for the activation of the National Air Traffic Control Contingency Plan (Phase III) if operations under that Plan become necessary in order to provide orderly movement of air traffic under the operating conditions that may exist.

**DATES:** Effective date: 7:00 a.m. e.d.t., August 3, 1981.

The FAA will accept comments on the rule as long as it remains in force or until September 15, 1981, whichever date is later.

**ADDRESSES:** Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204) Docket No. 22050, 800 Independence Avenue SW., Washington, DC 20591.

Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** National Air Traffic Control Rule Coordinator, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 426-3797.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Although this action is in the form of an emergency final rule which involves immediate flight safety throughout the United States, and, thus, was not preceded by notice and public procedure, comments were invited on the draft National Air Traffic Control Contingency Plan (45 FR 75096; November 13, 1980) and on the Contingency Plan adopted February 27, 1981 (46 FR 15402; March 5, 1981). Numerous comments have been received since the adoption of the Plan in February, and the Plan has been revised and updated based on those comments. The FAA also will accept comments on the rule as long as it remains in force or until September 15, 1981, whichever date is later. Comments on the rule should be submitted to the address indicated above. Comments are specifically invited on any aspects of the emergency operation of the Air Traffic Control system, including any operation under the Contingency Plan, that suggest a need to modify the regulation, or which should be considered should the occasion arise in the future to operate the Air Traffic Control system under

emergency conditions. Commenters wishing the FAA to acknowledge receipt of their comments in response to this rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22050." The post card will be date/time stamped and returned to the commenter.

#### Air Traffic Control System Emergency Operations

The Professional Air Traffic Controllers Organization (PATCO) has informed the FAA that its member air traffic controllers would initiate a strike or other significant job action beginning at 7:00 a.m. EDT on August 3, 1981. That action by air traffic controllers will significantly affect the FAA's ability to operate the Air Traffic Control (ATC) system and reduce the level of services the FAA is capable of providing. The extent of the impact of the controller job action on the ATC system depends on the specific job action taken and the number of controllers involved in that action. Past job actions have varied from local facility actions by controllers to nationwide actions, and from so-called "by-the-book" operational slowdowns to full walkouts. The FAA believes that a significant number of controllers may not participate in any PATCO job action. A controller work force made up of supervisors, qualified nonbargaining unit employees and controllers who do not participate in the job action may be capable of providing orderly movement of air traffic by "flow control" procedures with a pro rata reduction of user demands on the system. Flow control procedures use the published, advertised air carrier schedules to the maximum extent possible and allows maximum possible air carrier control over their own operations. It also permits normal flight planning and fuel conservation techniques by users. It can be applied to a single airport or to the whole system and is fully coordinated in advance and kept updated as conditions at each airport change. Flow control does not require any special flight data activity by ATC facilities and facilities transition between normal operations and reduced operations and reductions in the level of operations. Under flow control, the Director of Air Traffic Service is authorized, as conditions warrant, to restrict, prohibit or permit VFR and/or IFR operations at any airport, TCA or other terminal and enroute airspace; to give priority at any airport to flights that are military necessity, medical emergency flights, Presidential flights, and flights

transporting critical FAA employees; and to implement at any airport flow control management procedures including pro rata reduction of air carrier, commercial operator and general aviation operations. Insofar as the FAA's Air Traffic Control Command Center has the ability to maintain an efficient flow of air traffic within a framework of predetermined levels of system capacity it may not be necessary to activate the more restrictive National Air Traffic Control Contingency Plan. However, the Director of Air Traffic Service is authorized to activate the National Air Traffic Control Contingency Plan (Phase III) if the controller work force is reduced to a level that flow control will not provide for the orderly movement of air traffic.

The Contingency Plan was created to provide a safe and efficient ATC system operation with the available, qualified ATC manpower in the event of a significant job action by air traffic controllers which can not be handled by flow control procedures. Notice of the issuance of the Plan was published in the Federal Register on March 3, 1981 (46 FR 15402), and copies were distributed to air carriers and other persons who indicated an interest in the Plan. Based on comments received, a number of changes to the February 27, 1981 Plan have been made. The changes are set forth in Errata Change issued March 10, 1981, Errata Change No. 2 issued March 18, 1981, and Errata Change No. 3 issued June 19, 1981. The Plan is geared to provide air traffic service to critical aviation activities, and to the extent possible, for needs which cannot reasonably be met through alternatives modes of transportation. In addition, the Plan provides ATC service to meet as many other aviation needs as can be accommodated with the available work force. The Plan provides ATC service on a pre-determined basis to best meet the Nation's needs, utilizing approximately 15% of the normal work force. This objective is achievable, in part, through the use of rigid schedules, routes, and altitudes.

Priorities for flight approval, routes, altitudes, and flight schedules are included in the Contingency Plan. Military necessity and emergency flights will receive top priority, and will be accommodated ahead of all other flights, including those scheduled in the Plan. Substantially all long-range flights (over 500 miles) are scheduled in the Plan. All international flights should be able to be accommodated, but departure and arrival times will have to be adjusted. The Plan also provides for ATC handling of over 5,000 short-range flights each day by air carriers and air taxis.

Instrument Flight Rule (IFR)

clearances will be issued only in accordance with the provisions of the Contingency Plan. Visual Flight Rule (VFR) flights in terminal control areas (TCAs) will be restricted to departures only and VFR clearances for flight in TCAs for purposes of transiting or landing will not be issued. However, the Plan also provides for relaxation and elimination of the VFR and other system restrictions in a TCA when sufficient ATC staffing is restored to provide the requisite services.

The basic rules and orders necessary for implementation of "flow control" procedures under this Special Federal Aviation Regulation or the activation of the National Air Traffic Control Contingency Plan are disseminated, in accordance with § 91.100 of the Federal Aviation Regulations, by Notices to Airmen (NOTAM) throughout the ATC system.

The imminent action by the controller work force dictates the immediate adoption of this regulation in the interest of safety in air commerce. Therefore, I find that further notice and public procedure thereon are impracticable and contrary to the public interest; I further find that good cause exists for making this regulation effective in less than 30 days after its publication in the Federal Register.

#### Adoption of the Rule

Accordingly, the Federal Aviation Administration hereby adopts, effective 7:00 a.m. EDT, August 3, 1981, Special Federal Aviation Regulation No. 44, (added to 14 CFR Part 91) as follows:

#### Special Federal Aviation Regulation No. 44

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

2. Notwithstanding any provision of the Federal Aviation Regulations to the contrary, no person may operate an aircraft in the Air Traffic Control system—

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

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

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

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

(b) Give priority at any airport to flights that are military necessity, medical emergency flights, Presidential flights, and flights transporting critical Federal Aviation Administration employees.

(c) Implement at any airport flow control management procedures, including reduction of flight operations. Reduction of flight operations shall be made pro rata among and between air carrier, commercial operator, and general aviation operations.

4. If the actions taken in accordance with paragraph 2 of this regulation do not provide for the orderly movement of air traffic, the Director of Air Traffic Service may activate the National Air Traffic Control Contingency Plan (Phase III).

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

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

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

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

Note.—The FAA has determined that this rule is an emergency regulation under the provisions of Section 8 of Executive Order 12291. It is impracticable for the FAA to follow the procedures of Executive Order 12291 because the safety and efficiency of the national air transportation system require immediate implementation of the rule.

This is a final rule of the Administrator issued in accordance with the Federal Aviation Act of 1958, as amended. Thus, in accordance with section 1006 of the Act (49 U.S.C. 1406), it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Washington, DC, on August 3, 1981.

J. Lynn Helms,  
Administrator.

[FR Doc. 81-22947 Filed 8-3-81; 11:38 am]  
BILLING CODE 4910-13-M

## DEPARTMENT OF AGRICULTURE

## Federal Grain Inspection Service

## 7 CFR Part 68

## Extension of Suspension of a Provision of the United States Standards for Milled Rice

**AGENCY:** Federal Grain Inspection Service<sup>1</sup>, USDA.

**ACTION:** Emergency final rule.

**SUMMARY:** The Federal Grain Inspection Service (FGIS) published notice in the July 9, 1980, Federal Register (45 FR 46332) of an action which temporarily suspended a portion of the definition of milled rice. The purpose of this suspension was to provide a practical situation in which to study the effects of changing the milled rice definition so as to no longer require that a part of the germs be removed from the kernels. The suspension was to expire on July 31, 1981. This emergency final rule extends the suspension action beyond the July 31, 1981, date.

**EFFECTIVE DATE:** July 31, 1981.

**FOR FURTHER INFORMATION CONTACT:** Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, Room 1127 Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 447-3910. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under Executive Order 12291 and USDA procedures established to implement the Executive Order and has been determined to be nonmajor because the action will extend the suspension of a portion of the definition of milled rice which would appear to reduce a burden on the trading of U.S. rice in domestic and international markets by relieving restrictions associated with the requirements of the current definition of milled rice.

Kenneth A. Gilles, FGIS Administrator, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601 *et seq.*) because this

action applies only to FGIS and those limited number of states which have entered into cooperative agreements with FGIS to perform inspection services under the Act. Further, this action will not have a significant economic impact on the industry because it may provide a cost savings to U.S. rice millers.

The Administrator has also determined that an emergency situation exists which warrants publication of this action as an emergency final rule without opportunity for a public comment period. Pursuant to Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(c)) the Administrator is authorized to develop and improve standards for all assigned agricultural commodities. To allow time to complete a study announced in the July 9, 1980, Federal Register (45 FR 46332) to ascertain the effects of changing the milled rice definition so as to no longer require that a portion of the germs be removed from the kernel and to avoid any possible disruption in the marketing of rice by lapse of the suspension action, an extension of the suspension of a portion of milled rice definition is determined to be necessary.

Accordingly, this action is being issued as an emergency final rule. Under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary, and contrary to the public interest; and good cause is found for making this action effective July 31, 1981.

The Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*) provides for the issuance of standards with respect to quality, condition, quantity, grade, and packaging of agricultural commodities. It further provides for inspection upon request by producers, merchandisers, processors, and consumers in the marketing of these commodities, upon payment of a fee to cover the cost of the service.

Pursuant to the authority in Sections 203(c) and 203(h) of the Agricultural Marketing Act of 1946, as amended, FGIS published notice in the July 9, 1980, Federal Register (45 FR 46332) of an action which temporarily suspended a portion of the definition of milled rice. The purpose of this suspension was to provide a practical situation in which to study the effects of changing the milled rice definition in the regulations (7 CFR 68.301), so as to no longer require that a part of the germs be removed from the kernels. As provided in footnote 1 of § 68.301, the suspension was to expire on July 31, 1981. This interim final rule

<sup>1</sup> Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 2.53(a)(1)).



extends the suspension action beyond the July 31, 1981, date until such time as a final determination can be made as to whether or not an amendment to the definition of milled rice is needed.

**PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF**

Accordingly, § 68.301, footnote 1 of Part 68, Subpart E, United States Standards for Milled Rice (7 CFR 68.301), is revised as follows:

**§ 68.301 Definition of milled rice.**

\* \* \* \* \*

<sup>1</sup>The phrase "and a part of the germs" is temporarily suspended, effective August 1, 1980, and will continue until such time as a final determination can be made as to whether or not an amendment to the definition of milled rice is needed.

\* \* \* \* \*

(Sec. 203 (c), (h), Pub. L. 79-733, 60 Stat. 1087 (c), (h), (7 U.S.C. 1622 (c), (h)))

Dated: July 31, 1981.

K. A. Gilles,  
*Administrator.*

[FR Doc. 81-22911 Filed 8-3-81; 12:40 pm]

**BILLING CODE 3410-02-M**

## Proposed Rules

Federal Register

Vol. 46, No. 149

Tuesday, August 4, 1981

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

### NUCLEAR REGULATORY COMMISSION

#### 10 CFR Part 95

[Docket No. PRM-95-1]

#### Modification of Classification Guide for Safeguards Information

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Publication of petition for rulemaking from General Atomic Company.

**SUMMARY:** The Nuclear Regulatory Commission is publishing for comment a petition for rulemaking dated May 19, 1981 filed with the Commission by the General Atomic Company (GAC). The petition requests a change in the "Classification Guide for Safeguards Information" included in Appendix A of Part 95 of the Commission's regulations. The petitioner contends that a portion of these classification requirements is unduly restrictive and unnecessary, and results in added costs, delays, and inefficiencies in its material accounting and records management operations. The petition requests this portion of the classification guide be changed or removed from the Commission's regulations.

**DATE:** Comments must be received on or before October 2, 1981. Comments received after October 2, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

**ADDRESSES:** Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be delivered to Room 1121, 1717 H Street, NW., Washington, D.C. between 8:15 a.m. and 5:00 p.m. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory

Commission, Washington, D.C. 20555. Comments received on the petition may be inspected and copied at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 492-7211.

**SUPPLEMENTARY INFORMATION:** The General Atomic Company has petitioned the NRC to modify or delete Section 112 in Appendix A or Part 95. Appendix A is a classification guide which provides security classification guidance for the safeguarding of information about certain nuclear material or facilities. Section 112 of the guide requires the classification of "total quantities at any given time of SSNM (Strategic Special Nuclear Material) by designated vault and vault-type storage areas", and classifies this information as Confidential National Security Information (CNSI). The petition requests that either the classification of this information be changed from the classified "CNSI" to the unclassified "U" of that Section 112 be removed from Appendix A.

General Atomic Company states that it uses formula quantities of strategic special nuclear material in manufacturing processes for which timely material accounting requirements have been imposed. GAC uses a time-sharing on-line computer for its records management system which allows all material location records to be updated essentially on a daily basis. GAC says that its current techniques permit the records system to provide information so that the identity, quantity, and location of any item(s) containing SNM can be verified within 8 hours, as required by Commission regulations. In the petition, GAC states that "this is complicated because GAC fuel manufacturing process requires the frequent movement of material between successive process steps as the material is processed into over 30 different chemical and physical forms. It is further complicated because production planners, material control custodians, vault operators, measurement control and Nuclear Material Control and Accounting personnel all require timely access to material information to effectively perform their tasks."

The petitioner states that under the currently effective Section 112, "a processing task that requires classified data or which generates a classified result demands disconnection of all terminals from the computer facility. It also requires the disconnection of all essential mass storage devices. After the completion of a classified processing task, the computer memory and all the storage devices attached to the computer must be cleared several times to eliminate any possible carry-over of classified data before the system can be restored to its preferred configuration and released for normal operation."

The petitioner states that the use of data classifications with its materials control system is unnecessary, for several reasons: (1) General Atomic's computer system is coded to limit access to authorized users; (2) the records management system's allocation of storage to its users is known only by the Central Processing Unit; and (3) processing classified data inhibits the development of early detection capabilities and the trend toward more real time processing of data from stations located within the manufacturing process area.

The petitioner further states that the requirement in Section 112 is unnecessary for other licensees as well, for several reasons: (1) There is only a remote possibility that an adversary would base his or her actions upon the availability of specific data about a vault's momentary contents; (2) the " \* \* general availability of unclassified information . . . makes the time dependent vault total a secondary factor in attack planning by would-be adversaries. Disclosure of 'vault total' information would not in itself lead to a reasoned conclusion that identifiable damage to the national security could be expected since; (a) Detailed information such as location, size, designation, capacity, probable contents, etc., of SSNM in vaults and vault type storage areas are separately not classified and, therefore, should be assumed to be general knowledge, and (b) SSNM possession limits, 'throughputs,' processing schedules, yields, etc., are similarly not classified and therefore must also be considered general knowledge."

In its petition, the General Atomic Company also has applied for relief under § 95.11 from the requirement to

classify the "vault total" type information pending the outcome of NRC's action on the petition.

Dated at Washington, D.C. this 29th day of July 1981.

For the Nuclear Regulatory Commission.  
Samuel J. Chilk,  
Secretary of the Commission.

[FR Doc. 81-22549 Filed 8-3-81; 8:45 am]  
BILLING CODE 7590-01-M

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 124

#### Minority Small Business and Capital Ownership Development Assistance

**AGENCY:** Small Business Administration.

**ACTION:** Extension of comment period.

**SUMMARY:** This notice extends the period for comments to the notice of proposed rulemaking published June 18, 1981 (46 FR 31899) proposing a revision of § 124.1-2(c)(2) of the current regulations dealing with the authority of the Regional Administrators to approve and deny requests for advance payments on a particular section 8(a) subcontract.

There have been several comments received, but in order to give interested parties additional time to make further comments the comment period is extended to August 18, 1981.

This notice is issued pursuant to the authority of section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)).

**DATES:** Comments are due on August 18, 1981.

**FOR FURTHER INFORMATION CONTACT:** Charles L. Dean, (202) 653-6699.

Dated July 27, 1981.

Michael Cardenas,  
Administrator.

[FR Doc. 81-22595 Filed 8-3-81; 8:45 am]  
BILLING CODE 8025-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-2-FRL 1894-4]

#### Approval and Promulgation of Implementation Plans; Proposed Revision to the New Jersey State Implementation Plan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** This notice proposes to delete from the New Jersey State Implementation Plan certain transportation and stationary source air

pollution control regulations promulgated by the Environmental Protection Agency in November 1973. The State has requested that these regulations be revoked because they have been either implemented, superceded, outdated or found to be unreasonable. It is expected that removal of the federal regulations will allow the State more freedom in pursuing its own air quality initiatives. This action will also allow for the removal of unnecessary and duplicative regulations.

**DATES:** Comments must be received on or before October 5, 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 New Jersey submittal and a Technical Support Document to today's proposal are available for public inspection during normal business hours at:

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

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460  
New Jersey Department of Environmental Protection, Division of Environmental Quality, John Fitch Plaza, Trenton, New Jersey 08625.

**FOR FURTHER INFORMATION CONTACT:** William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 1005, New York, New York 10278, (202) 264-2517.

**SUPPLEMENTARY INFORMATION:** On November 13, 1973 (38 FR 31388), the Environmental Protection Agency (EPA) promulgated as a part of the New Jersey State Implementation Plan (SIP) a number of federal regulations for the control of air pollution emissions from transportation and stationary sources. These regulations were designed to provide for the attainment by May 31, 1975 and maintenance thereafter of the national ambient air quality standards for carbon monoxide and ozone in the New Jersey portions of the New York-New Jersey-Connecticut Interstate and Philadelphia Interstate Air Quality Control Regions. These control measures are collectively referred to as the 1973 Transportation Control Plan (1973 TCP).

At the time of promulgation of these control measures, EPA noted that it hoped that the federal regulations eventually would be replaced by State

programs. Subsequently, a number of the regulations were revised or revoked.<sup>1</sup>

Under provisions of the 1977 Amendments to the Clean Air Act, on March 3, 1978 (43 FR 8962), the entire State of New Jersey was designated as not meeting air quality standards for ozone and parts of the State were designated as not meeting standards for carbon monoxide. In response to these "nonattainment designations" and as required by Part D of the Clean Air Act, the State of New Jersey, on December 29, 1978, submitted a revision to the New Jersey SIP for the entire State (1979 SIP).

This 1979 SIP revision contained a number of control measures, including measures related to inspection and maintenance of motor vehicles, exclusive bus and carpool lanes, transit improvements, park-and-ride fringe parking lots, employer programs to encourage car and vanpooling, bicycle lanes and storage facilities, traffic flow improvements, and controls on the storage, transfer and use of volatile organic substances. On March 11, 1980 (45 FR 15531) EPA conditionally approved the 1979 SIP revision and approved an extension to the date for attainment of the ozone and carbon monoxide standards until December 31, 1987 or such earlier date as may be defined in a further SIP revision to be submitted no later than July 1, 1982. After receipt of additional information, on April 15, 1981 (46 FR 21994), EPA unconditionally approved the 1979 SIP.

Although the 1979 SIP is unconditionally approved, it did not clearly define the disposition of the measures contained in the 1973 TCP, which currently remain in effect. On April 14, 1981, EPA received a document prepared by the New Jersey Department of Environmental Protection (NJDEP) which demonstrates how the 1973 TCP control measures were either implemented, under study, found unreasonable, or already addressed in the 1979 SIP. Although the document itself was not submitted by the NJDEP as a SIP revision, and will not be treated as such by EPA, it does provide additional information clarifying the contents of the 1979 SIP and discusses how the 1973 TCP measures were

<sup>1</sup> Revisions appeared in the *Federal Register* on January 15, 1974 (39 FR 1849), February 8, 1974 (39 FR 4881), April 3, 1974 (39 FR 12101), June 18, 1974 (39 FR 21053), November 15, 1974 (35 FR 40287), January 16, 1975 (40 FR 2802), January 23, 1976 (41 FR 3476), July 7, 1976 (41 FR 27833), March 14, 1977 (42 FR 13826), March 19, 1979 (44 FR 16386) and May 10, 1979 (44 FR 27571). Regulations were revoked on November 15, 1974 (39 FR 40286), July 7, 1976 (41 FR 27833), October 15, 1976 (40 FR 45565) and March 19, 1979 (44 FR 16387).

treated in the 1979 SIP or otherwise addressed.

EPA has reviewed the 1979 SIP in light of the April 14, 1981 document and agrees with the State that there has been an adequate demonstration either that the 1973 TCP measures have been adequately addressed, at times in modified form, in the 1979 SIP or in other actions as approved by EPA, or are not reasonable. Consequently, EPA is today proposing to revoke from the New Jersey SIP the following federal regulations which still remain from the 1973 TCP:

40 CFR Part 52	Title of CFR section
1583	Regulation for annual inspection and maintenance.
1584	Exhaust gas recirculation retrofit.
1585	Oxidizing catalyst retrofit.
1587	Regulation limiting on-street parking.
1588	Management of parking supply.
1589	Preferential bus/carpool treatment.
1590	Employer's provision for mass transit priority incentives.
1591	Regulation for a vehicle free zone.
1593	Monitoring transportation mode trends.
1595	Gasoline loading, unloading and transfer.
1599	Control of evaporative losses from the filling of vehicular tanks.
1600	Carpool matching and promotion system.

A discussion of the regulations proposed for deletion and the justification for doing so is contained in a Technical Support Document available for public inspection at the locations identified in the "Addresses" section of this notice.

This notice of proposed rulemaking is issued under authority of Sections 110 and 301 of the Clean Air Act to advise the public that comments may be submitted on whether the federally promulgated 1973 TCP measures should be deleted from the New Jersey SIP.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that the attached proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposed action would reduce applicable requirements. Furthermore, this action comes within the terms of the certification issued on January 27, 1981 (46 FR 8709).

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it serves to delete certain control measures promulgated by EPA in 1973. Since no new regulations are imposed, there will be no cost to the State of New Jersey. Furthermore, this notice proposes to eliminate regulations which have been satisfied, superceded, found to be duplicative or are otherwise unnecessary thereby reducing the

regulatory burden on the affected groups. This notice is therefore in keeping with the Administrator's goal of reducing the number of such regulations.

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

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

Dated: July 15, 1981.

Richard T. Dewling,  
Acting Regional Administrator, Environmental Protection Agency.

[FR Doc. 81-22802 Filed 8-3-81; 8:45 am]  
BILLING CODE 6560-38-M

#### 40 CFR Part 52

[A-2-FRL-1889-2]

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

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

**SUMMARY:** This notice proposes to delete from the New York State Implementation Plan (SIP) certain transportation measures approved by the Environmental Protection Agency (EPA) in June 1973. The State contends that the transportation control measures contained in the 1979 revisions to the SIP adequately account for the 1973 strategies. With two provisions, EPA agrees with the State that there has been adequate demonstration that the 1973 transportation control measures are not reasonably available or that they have been adequately addressed in the 1979 SIP revisions.

**DATES:** Comments must be received on or before September 3, 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.

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

**SUPPLEMENTARY INFORMATION:** On June 22, 1973 (38 FR 16550) the Environmental Protection Agency (EPA) published its approval of a state submitted revision to the New York State Implementation Plan (SIP). This revision consisted of a number of transportation control measures designed to attain by May 31,

1975 and maintain thereafter national ambient air quality standards for carbon monoxide and ozone in the New York portion of the New Jersey-New York-Connecticut air quality control region (AQCR). These transportation control measures are collectively referred to as the 1973 transportation control plan (1973 TCP).

The 1973 TCP contained four categories of transportation control measures or strategies: primary, maintenance, contingency, and secondary. Placement of a strategy in the primary category meant that it was essential for attainment of the air quality standards by 1975. Maintenance strategies were to have little effect toward meeting the standards by 1975, but were necessary to maintain satisfactory air quality beyond 1975. Maintenance strategies called for longer-range action involving new technology or substantial capital expenditure. Contingency strategies were to be applied only if the primary strategies failed. Secondary strategies were to be implemented subject to further study. Since only the primary and maintenance strategies were necessary for the attainment and maintenance of standards, contingency and secondary strategies were not reviewed by EPA and EPA does not view them as being parts of the approved SIP.

Under provisions of the 1977 Amendments to the Clean Air Act, on March 3, 1978 (43 FR 8962), the entire New York portion of the New Jersey-New York-Connecticut AQCR was designated as not meeting national standards for ozone and parts thereof were designated as not meeting national standards for carbon monoxide. In response to these "nonattainment designations" and as required by Part D of the Clean Air Act, the State of New York, on May 16, 1979, submitted a revision to the New York SIP for the New York City metropolitan area (1979 SIP). This 1979 SIP revision contained a number of transportation control measures, including measures related to mass transit improvements. On May 21, 1980 (45 FR 33981), EPA conditionally approved this SIP revision, with the exception of the mass transit improvement measures contained therein, and approved an extension of the attainment date for the ozone and carbon monoxide standards until December 31, 1987 or such earlier date as may be defined in a further SIP revision to be submitted no later than July 1, 1982 (1982 SIP).

In its May 21, 1980 action, EPA noted the State's comment that it views the

1979 SIP as a complete successor to the 1973 TCP, i.e. that the transportation control measures contained in the 1979 SIP adequately accounted for the earlier strategies of the 1973 TCP and that the 1979 SIP is adequate to achieve reasonable further progress toward attainment of standards as required by Section 172 of the Clean Air Act. Although EPA could not agree with the State's contentions on the basis of information then before it, EPA responded that a state may request the revocation or modification of a transportation control measure upon a demonstration that an existing measure is not reasonably available.

On April 17, 1981 EPA received a report prepared by the New York State Department of Environmental Conservation (DEC) which demonstrates how the 1973 TCP control measures were addressed in the 1979 SIP. Although the report itself is not submitted by the DEC as a SIP revision, and will not be treated as such by EPA, it does provide additional information clarifying the contents of 1979 SIP as it relates to transportation control measures and discusses how the 1973 TCP measures were treated in the 1979 SIP. EPA also notes that additional clarification of the transportation related measures of the 1979 SIP was provided by the State in response to the requirements of 40 CFR 52.1674(e)(4), in the form of separate listings covering transportation related studies, demonstration projects and permanent projects committed to in the 1979 SIP. EPA approved these listings on January 27, 1981 (46 FR 8477).

EPA has reviewed the 1979 SIP in light of the April 1981 report and agrees with the State, subject to two provisions, that there has been an adequate demonstration either that 1973 TCP measures are not reasonably available or that they have been adequately addressed, in at times modified form, in the 1979 SIP, as approved by EPA. Consequently, EPA proposes to delete from the New York SIP all measures contained in the 1973 TCP, with the following two provisions.

First, the 1973 TCP contained a primary strategy (B-1B) related to traffic management calling for the preparation of a traffic control master plan which would analyze, on a regional basis, the relationship between land use, trip demand and air pollution. The 1979 SIP contains a commitment to study traffic congestion in specific subareas, but does not provide a commitment to prepare a traffic analysis on a broader scale, or on a regional basis. EPA believes that such a regional traffic analysis, along the

lines called for in strategy B-1B, is significant element of a plan in that it may provide useful information to the State in determining the reasonableness of additional control measures which it may propose in the 1982 SIP. EPA further believes that preparation of such a study is currently a reasonably available measure because the City of New York Department of Transportation (NYCDOT) is currently nearing completion of a report, entitled "City Streets", which would provide such a broad based traffic analysis. EPA proposes to delete strategy B-1B on the assumption that it receive from the State and City a commitment, as part of the existing SIP, for the completion of the NYCDOT report and a commitment that this report would be considered by the State and City in the preparation of the 1982 SIP.

Second, the 1973 TCP contained three maintenance strategies related to improvement and rehabilitation of the existing New York City transit system and calling for the development of a funding program to accelerate rehabilitation of the transit system in order to attract and retain ridership. These strategies are C-1, "Marketing Public Transit," C-6 "Intergration of New York City Bus and Subway System," and C-7, "Rehabilitation of the Existing New York City Transit System." The 1979 SIP contains analogous measures related to mass transit improvements. Action on these measures was proposed on June 30, 1980 (45 FR 43795) and final action is expected shortly. In order to insure the continued presence in the SIP of adequate mass transit measures, EPA proposes to delete strategies C-1, C-6 and C-7 once the mass transit improvement measures contained in the 1979 SIP are approved or conditionally approved.

A discussion of the other primary and maintenance strategies, based on information contained in the State's April 1981 report, follows:

**A-1: Vehicle Turnover (Primary)**

This strategy has been continually implemented since 1968 pursuant to the Federal Motor Vehicle Control Program. This program has required that all new vehicle sold in the United States meet increasingly more stringent emission standards.

**A-2: Retrofit of Heavy Duty Vehicles Powered by Gasoline Engines (Primary)**

This strategy proposed to determine the feasibility of retrofitting heavy duty gasoline powered trucks with air pollution control devices. The implementation of this strategy is

subject to further study as part of the 1979 SIP.

**A-3: Thrice-yearly Emission Inspection on all Livery Vehicles Operating in New York City (Primary)**

A program for the tri-annual emission inspection of livery vehicles licensed by the City of New York has been fully implemented under the 1979 SIP.

**A-4: Heavy Duty Vehicle Emissions Inspection (Primary)**

This strategy called for the inspection of all vehicles over a gross weight of 6000 pounds (and many vehicles with a gross weight of 6000-8500 pounds) so as to reduce heavy duty vehicle emissions. Due to a variety of institutional problems the State was unable to implement this measure. The implementation of this strategy is subject to further study as part of the 1979 SIP.

**A-5: Passenger Vehicle Emission Inspection (Primary)**

The emission inspection of all passenger vehicles is being currently implemented under the State's inspection and maintenance program.

**A-6: Mechanic Training (Primary)**

The training of mechanics to conduct emission inspection tests on passenger vehicles is being accomplished under the State's inspection and maintenance program.

**A-7: Diesel Bus Inspection and Maintenance (Primary)**

The implementation of an emission inspection and maintenance program for public transit diesel buses to minimize smoke and odor is subject to further study as part of the 1979 SIP.

**B-1A: Strict Enforcement of Existing Traffic Regulations in New York City (Primary)**

The enforcement of existing parking and traffic regulations would reduce congestion and increase the flow of traffic, hence reducing emissions. The strategy has been incorporated into several measures of the 1979 SIP revision.

**B-1C: Selective Ban on Taxi Cruising (Primary)**

This strategy proposed to ban the cruising of taxis on particularly congested streets in midtown and downtown Manhattan. Attempts have been made to implement this measure. Efforts to control the cruising of taxis continues to be studied as part of the 1979 SIP.

**B-3: Reduction in Number of Parking Spaces in Manhattan Business Districts (Primary)**

This strategy called for the elimination of all on-street parking, and the reduction of off-street parking lots in the Manhattan central business district. The City of New York has eliminated all on-street metered parking in the midtown core area during business hours, and will seek to amend the ordinance to control off-street parking spaces. Various studies are being conducted to further develop and implement action on this strategy as part of the 1979 SIP.

**B-5A: Increase Express Bus Service (Primary)**

This strategy is tied to the expanded use of exclusive bus lanes (Strategy B-5B) and calls for increases in express bus service. The currently being implemented and being studied further as part of the 1979 SIP.

**B-5B: Expanded Use of Exclusive Bus Lanes (Primary)**

Exclusive lanes for buses are being designated in the City of New York and elsewhere in the metropolitan area. In addition, many other studies are proposed and underway to evaluate further this strategy as part of the 1979 SIP.

**B-7: Imposition of Tolls on All East River Bridges and Hudson River Bridges (Primary)**

This strategy was deleted from the SIP as a result of a request made by the Governor of New York under the provisions of Section 110(c)(5) of the Clean Air Act. These provisions allowed for the substitution for bridge tolls of comprehensive measures to meet basic transportation needs.

**C-8: Encourage Widespread Staggering of Work Hours (Primary)**

This strategy encourages the widespread staggering of work hours for starting work between 8:00 AM and 10:00 AM so as to reduce vehicular congestion and relieve the crowding of the transit system. This strategy is currently being implemented to a limited extent and is subject to further study as part of the 1979 SIP.

**D-3: After Hours Delivery to Stores and Office Buildings (Primary)**

This strategy mandated after hours delivery to stores and office buildings in a selected trial area in the retail section of New York City. Its major impact would have been to reduce daytime congestion caused by trucks. This

strategy was found to be not reasonably available.

**D-4: Provisions of Off-Street Loading Facilities (Maintenance)**

Many warehousing and commercial activities load and unload truck freight on the streets of New York City. This strategy was proposed to reduce congestion by getting truck loading and unloading operations off the streets. This strategy is being further studied as part of the 1979 SIP.

**D-1: Consolidation of Trucking Activities (Maintenance)**

This strategy called for the consolidation of trucking activities and the reduction in the number of trucks used in order to reduce traffic congestion and vehicle miles travelled. This strategy presently is being studied further as part of the 1979 SIP.

**E-3: Land Use Policies and Development Controls (Maintenance)**

By creating and enforcing land use controls this strategy was to insure that all future developments are consistent with meeting and maintaining national ambient air quality standards. Parts of this strategy are subject to further study as part of the 1979 SIP.

This notice of proposed rulemaking is issued under authority of Sections 110 and 301 of the Clean Air Act to advise the public that comments may be submitted on whether the 1973 TCP ought to be deleted from the New York SIP.

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). This proposed rule, if promulgated, will approve the State's request to withdraw certain SIP provisions under Section 110. It imposes no new regulatory requirements. Therefore, it comes within the terms of the January 27 certification.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it serves to delete certain transportation control measures approved by EPA in 1973. Since no new regulations are imposed, there will be no cost to the State or City of New York.

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

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

Dated: June 22, 1981.  
Richard T. Dewling,  
Acting Regional Administrator,  
Environmental Protection Agency.  
[FR Doc. 81-22601 Filed 8-3-81; 8:45 am]  
BILLING CODE 6560-38-M

**40 CFR Part 52**

[A-5-FRL 1887-6]

**Ohio: Approval and Promulgation of Implementation Plan**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** On June 24, 1980, EPA promulgated two sets of sulfur dioxide (SO<sub>2</sub>) emission limitations for Cleveland Electric Illuminating Company's Avon Lake and Eastlake power plants in Ohio. 45 FR 42279. The first set was immediately effective, and established limitations of 4.10 or 4.65 lbs. SO<sub>2</sub>/MBTU for Avon Lake, depending on the sulfur content of the fuel burned, and of 5.64 lbs. SO<sub>2</sub>/MBTU for Eastlake. The second set, based on a revised stack height policy, was to become effective one year later on June 24, 1981, and established limits of 3.43/3.93 lbs. at Avon Lake and 3.04 lbs. for Eastlake. EPA subsequently withdrew its revised stack height policy and stayed the second set of emission limitations. 46 FR 28650 (May 28, 1981). EPA is today proposing to withdraw the second set of emission limits for the two plants.

**DATE:** Comments must be received on or before October 5, 1981.

**ADDRESSES:** Comments should be submitted to Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Docket No. 5A-79-1, containing information pertinent to EPA's June 24, 1980 promulgation, is available for inspection and copying during normal business hours at the above address and at EPA's Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Debra Marcantonio, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. 312/886-6088.

**SUPPLEMENTARY INFORMATION:** On June 24, 1980, the Administrator promulgated sulfur dioxide (SO<sub>2</sub>) emission limitations for the Avon Lake and Eastlake power plants owned by the Cleveland Electric

Illuminating Company (CEI). 45 FR 42279. EPA established limitations of 4.10 or 4.65 lbs. SO<sub>2</sub> per MBTU for Avon Lake, depending on the sulfur content of the oil burned, and 5.64 lbs. SO<sub>2</sub> per MBTU for Eastlake. In the same notice EPA announced a revision of its stack height policy. The revised policy required sources seeking to raise existing stacks to demonstrate through fluid modeling or field studies that any increased height was necessary to avoid excessive concentrations due to downwash, wakes or eddies.<sup>1</sup> Since CEI was replacing existing stacks at each of the two plants with taller stacks, EPA determined it was appropriate to apply the revised policy to the CEI plants. However, to allow CEI time to satisfy the new fluid modeling requirement, EPA promulgated two sets of emission limitations. The first set, 4.10/4.65 lbs. SO<sub>2</sub> MBTU for Avon Lake and 5.64 lbs. SO<sub>2</sub> MBTU for Eastlake, assumed credit for the plants' new taller stacks in accordance with EPA's proposed formula for determining good engineering practice (GEP) height. (See 44 FR 2608, January 12, 1979). This set was immediately effective. The second set, 3.43/3.93 lbs. for Avon Lake and 3.04 lbs. for Eastlake, assumed no credit for the new tall stacks. This set was made effective one year from the date of promulgation in order to provide CEI with an opportunity to demonstrate through fluid modeling that the stack height increases were necessary.

At the time EPA promulgated the limitations, the Agency expected to complete work within a few months on its proposed stack height regulations (44 FR 2608, January 12, 1979), and to resolve any issues related to the revised stack height policy in the context of that rulemaking. However, the need for further analyses has resulted in a postponement of final action on the stack height regulations. Consequently, EPA withdrew the stack height policy revision. 46 FR 28650 (May 28, 1981). In view of the withdrawal of the policy on which the second set of emission limitations was based, EPA determined it was also appropriate to stay the effectiveness of the second set of emission limitations. 46 FR 28650.

For the same reason, EPA is now proposing to withdraw the second set of emission limits altogether. Should the final stack height regulations incorporate a requirement for fluid modeling or field studies, CEI, and any

<sup>1</sup>In contrast EPA's proposed stack height regulations generally allowed sources automatic credit for stack heights up to a good engineering practice height, as determined by an EPA formula. See 44 FR 2608 (January 12, 1979).

other affected sources will be given ample time to perform the necessary modeling. If necessary, the emission limits for these two plants will be revised at that time.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This action withdraws regulatory requirements and only applies to two facilities.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not major because it withdraws regulatory requirements and thereby relieves potential economic burdens.

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

(Section 110(c) of the Clean Air Act, 42 U.S.C. 7410(c))

Dated: July 29, 1981.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 81-22600 Filed 8-3-81; 8:45 am]  
BILLING CODE 6560-38-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-6121]

#### National Flood Insurance Program; Proposed Flood Elevation Determinations; Alaska, et al.

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 § 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 requirements 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 new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 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 flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The 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)
Alaska	Petersburg (City), Wrangell-Petersburg Division	Frederick Sound	300 feet east from the intersection of Sandy Beach Road and Quarry Road.	*13
		Wrangell Narrows	200 feet north from the intersection of Sandy Beach Road and Boundary Street. 50 feet west from the intersection of Harbor Way and F Street.	*19 *13
Maps available for inspection at City Shop, 2nd Street, Petersburg, Alaska. Send comments to the Honorable Dick Kilo, P.O. Box 329, Petersburg, Alaska 99833.				
Alaska	Sitka (city & borough), Sitka Division	Sitka Sound, Thimbleberry Bay to Starrigavan Bay.	100 feet west from the intersection of Siginaka Way and Katlian Avenue. At the intersection of Hallbut Point State Road and Harbor Mountain Road.	*10 *20
		Indian River	200 feet southeast from the intersection of Marine and Lincoln Streets. At the center of the Sawmill Creek Road crossing of Indian River.	#1 *20
Maps available for inspection at City Hall, 304 Laka Street, Sitka, Alaska. Send comments to the Honorable John Dapceovich, box 79, Sitka, Alaska 99835.				
Alaska	Wrangell (city), Wrangell-Petersburg Division	Zimovia Strait	50 feet south of intersection of Case Avenue and Church Street.	*12
			Center of Zimovia Highway at intersection with Rainbow Falls Creek.	*13
			Center of Baach Road 75 feet northwest of intersection of Beach Road and Second Street.	*17
Maps available for inspection at City Hall, 305 Brueger Street, Wrangell, Alaska. Send comments to the Honorable Donald House, Box 531, Wrangell, Alaska 99929.				
Arizona	Fredonia (town), Coconino County	Kanab Creek	Intersection of creek and center of Pipe Spring Road (State Highway 389).	*4662
Maps available for inspection at Town Clerk's Office, Fredonia, Arizona. Send comments to the Honorable Robert B. Harris, P.O. Box 217, Fredonia, Arizona 86022.				
California	Arcata (city), Humboldt County	Jolly Giant Creek	Intersection of K Street and 7th Street	*14
		Janes Creek	Southern Pacific Railroad	*20
			Intersection of Q Street and Zehndner Avenue	*13
		Mad River	Intersection of Medrone Way and Maple Lane Approximately 800 feet west along Guintoli Lane from the crossing of U.S. Highway 101.	*30 *30
Maps available for inspection at Department of Planning, 736 F Street, Arcata, California. Send comments to Honorable Dan E. Hauser, 736 F Street, Arcata, California 95521.				
California	Fortuna (city), Humboldt County	Eal River	At Dinsmore Drive crossing of Rohner Creek	*43
		Stronge Creek	90 feet downstream of confluence with Jameson Creek.	*54
		Rohner Creek	At upstream edge of Main Street	*65
Maps available for inspection at Department of Public Works, 621 11th Street, Fortuna, California. Send comments to Honorable Ray E. Stewart, 621 11th Street, Fortuna, California 95540.				
California	Marin County (unincorporated areas)	Coyota Creek	Intersection of Jean Street and Ross Drive	*8
		San Francisco Bay	Intersection of Seminary Drive and Hodges Drive	*6
		Tennessee Creek	Intersection of Gibson Avenue and Mann Avenue	*8
		Crest Marin Creek	Intersection of Ross Drive and Linda Way	*8
		Reed Creek	Intersection of Reed Street and Ethel Avenue	*12
		Sutton-Manor Creek	300 feet west of intersection of Meadow Drive and Tower Drive.	*2
		Eskoot Creek	Intersection of Calle del Arroyo and Calle del Resaca 20 feet upstream from center of Shoreline Highway	*7 *41
		San Pablo Bay	Intersection of Vandola Drive and Birch Way	*6
		Bolinas Lagoon	100 feet upstream from center of Walla Vista	*6
		Novato Creek	Intersection of Creek and most downstream Corporate Limits—City of Novato.	*8
		Arroyo San Jose	Confluence with Bowman Canyon	*117
		Miller Creek	Confluence with Ignacio Creek 200 feet upstream from center of U.S. Highway 101	*55 *32
			Intersection of Lucas Valley Road and Mt. McKinley Road.	*167
		Lagunitas Creek	Intersection of Sir Francis Drake Boulevard and 1st Street.	*15
		Olema Creek	100 feet upstream from center of Beer Valley Road Bridge.	*49
		Maps available for inspection at Department of Public Works, 3rd Floor, Marin County Courthouse, San Rafael, California. Send comments to Honorable Gary Giacomini, Marin County Courthouse, Room 315, San Rafael, California 94903.		
California	Red Bluff (city), Tehama County	Sacramento River	Intersection of Willow Street and Riverside Way	*269
		East Sand Slough	Intersection of Williams Avenue and Sale Lane	*270
		Samson Slough	100 feet upstream from center of Antelope Blvd.	*271
		Paynes Creek Slough	Intersection of Slough and center of Antelope Blvd.	*272



## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Dibble Creek.....	650 feet downstream from center of Interstate Highway 5.	*280
		Brewery Creek.....	At confluence with Brewery Creek Tributary.....	*273
		Brickyard Creek.....	100 feet upstream from center of Baker Road.....	*319
		Reeds Creek.....	Area between Creek and the west end of Locust Avenue.	*289
		Grasshopper Creek.....	100 feet downstream from center of Interstate Highway 5.	*289
Maps available for inspection at Department of Planning, 555 Washington Street, Red Bluff, California. Send comments to Honorable James Moore, P.O. Box 400, Red Bluff, California 96090.				
California.....	Redwood City (city), San Mateo County.....	San Francisco Bay.....	Intersection of Bloomquist Street and Harbor Boulevard.	*7
Maps available for inspection at Planning Department, City Hall, 1017 Middlefield Road, Redwood City, California. Send comments to the Honorable Mario Biagi, P.O. Box 391, Redwood City, California 94064.				
California.....	Rio Dell (city), Humboldt County.....	Eel River.....	Downstream side of the northbound land of U.S. Highway 101 over the channel (crossing in northern portion of city). Wildwood Avenue bridge over the channel.....	*88 *106
Maps available for inspection at Department of Public Works, 675 Wildwood Avenue, Rio Dell, California. Send comments to the Honorable Eddie Hogg, 675 Wildwood Avenue, Rio Dell, California 95562.				
Colorado.....	Collbran (town), Mesa County.....	Plateau Creek.....	20 feet downstream from center of Main Street over channel.	*5984
		Grove Creek.....	Downstream edge of Park Street over channel.....	*5966
Maps available for inspection at Town Hall, Collbran, Colorado. Send comments to the Honorable Walter C. Melendy, P.O. Box 428, Collbran, Colorado 81624.				
Colorado.....	Grand Junction (city), Mesa County.....	Colorado River.....	At intersection of Chulusta Avenue and Fairview Avenue.	*4556
		Indian Wash.....	At the southwest corner of the intersection of Orchard Avenue and 28 1/2 Road.	*4633
		Leach Creek.....	At intersection of Leach Creek and upstream side of Patterson Road.	*4545
		Horizon Drive Channel.....	At intersection of Horizon Drive Channel and 25 1/2 Road.	*4573
Maps available for inspection at Engineering Department, 250 N. 5th Street, Grand Junction, Colorado. Sends comments to the Honorable Louis Brach, 250 N. 5th Street, Grand Junction, Colorado 81501.				
Illinois.....	(Uninc.) Madison County.....	Wood river.....	At mouth.....	*437
		East Fork Wood River.....	At confluence of East Fork Wood River.....	*437
			At confluence of West Fork Wood River.....	*437
			About 1,100 feet upstream of confluence of West Fork Wood River.....	*437
			About 1,000 feet downstream of State Route 140.....	*446
			About 2,000 feet upstream of Fosterburg Road.....	*503
		Stanley Creek.....	At mouth.....	*449
			About 2,650 feet upstream of Deyana Street.....	*454
			About 3,450 feet upstream of Culp Lane.....	*466
		West Fork Wood River.....	About 600 feet downstream of Harris Road.....	*460
			About 2,200 feet upstream of Straube Lane.....	*523
		Honeycut Branch.....	At mouth.....	*472
			About 300 feet upstream of County Road 52.....	*494
			About 2.2 miles upstream of County Road 52.....	*517
		Tributary E.....	About 0.75 mile upstream of mouth.....	*451
			Just downstream of Valley Drive.....	*486
			Just upstream of Valley Drive.....	*494
			Just downstream of Oaklane Road.....	*500
			Just upstream of Oaklane Road.....	*505
		Tributary F.....	About 3,250 feet upstream of mouth.....	*451
			About 1,100 feet upstream of confluence of Tributary G.....	*475
		Tributary G.....	At mouth.....	*464
			About 180 feet downstream of Sitze Street.....	*480
			Just upstream of Sitze Street.....	*493
		Tributary X.....	At mouth.....	*487
			Just downstream of Straube Lane.....	*524
			At northern county boundary.....	*550
		Tributary Z.....	At mouth.....	*473
			Just upstream of Melody Lane.....	*494
		Cakokia Creek.....	At mouth.....	*436
			At confluence of Indian Creek.....	*441
			Just downstream of State Route 159.....	*457
			About 600 feet upstream of State Route 140.....	*473
			Just downstream of Bode Road.....	*507
		Indian Creek.....	About 600 feet downstream of Old Edwardsville Road.....	*446
			About 800 feet upstream of Rock Hill Road.....	*460
			Just upstream of State Route 140.....	*480
			Just upstream of Moro/Holiday Shores Drive.....	*498
		Paddock Creek.....	At mouth.....	*472
			At confluence of Joulters Creek.....	*476
			Just upstream of St. James Drive.....	*485
			About 250 feet upstream of Yorkville Road.....	*516
			Just downstream of northern county boundary.....	*563

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Mississippi River .....	Just downstream of McKinley Bridge .....	*430
			Just upstream of Interstate 270 .....	*434
			About 5.0 miles upstream of U.S. Route 67 .....	*438
		Joulter's Creek .....	Just downstream of dam at Holiday Lake .....	*477
			Just upstream of dam at Holiday Lake .....	*508
			About 600 feet upstream of Weikiki .....	*512
			Just downstream of Renken Road .....	*558
			Just upstream of Renken Road .....	*564
			About 450 feet upstream of Renken Road .....	*566
		Sherry Creek .....	About 3,000 feet downstream of Moro-Holiday Shores Drive .....	*478
			About 700 feet upstream of Sherry Creek Road .....	*492
		East Fork Sherry Creek .....	Mouth at Sherry Creek .....	*496
			About 100 feet upstream of Renken Road .....	*505
		Mooney Creek .....	At mouth .....	*458
			About 1,225 feet downstream of Chicago and North Western railroad .....	*458
			About 125 feet downstream of Chicago and North Western railroad .....	*463
			About 150 feet upstream of Chicago and North Western railroad .....	*473
			Just downstream of Schwartz Road .....	*485
		Canteen Creek .....	About 0.8 mile downstream of Conrail (City of Collinsville corporate limits) .....	*484
			Just downstream of Conrail .....	*490
			About 1,000 feet upstream of Lebanon Road .....	*495
			Just downstream of Frontage Road (downstream of Interstate 70) .....	*519
			About 0.6 mile upstream of Interstate 70 .....	*528
		Silver Creek .....	At downstream county boundary .....	*454
			About 1,000 feet upstream of Interstate 70 .....	*474
			About 900 feet upstream of State Route 4 .....	*507
			About 4 miles upstream of County Road 27 .....	*544
		East Fork Silver Creek .....	At mouth .....	*455
			About 100 feet downstream of Conrail .....	*457
			Just upstream of U.S. Route 40 .....	*462
			At confluence of Sugar Fork .....	*468
			Just downstream of Highland Silver Lake Dam .....	*486
			Just upstream of Highland Silver Lake Dam .....	*506
			About 1.0 mile upstream of Pocahontas Road .....	*517
		Sugar Fork .....	Just upstream of mouth .....	*468
			About 200 feet downstream of Lower Marine Road .....	*480
			About 4,800 feet upstream of Meyer Road .....	*497
		Silver Creek Tributary No. 1 .....	At mouth .....	*508
			About 200 feet upstream of County Road 13 .....	*511
			About 1.85 miles upstream of County Road 13 .....	*528
		Silver Creek Tributary No. 2 .....	At mouth .....	*518
			About 200 feet downstream of Brandt Road .....	*528
			Just downstream of Missouri Pacific Railroad .....	*567
		Ponding from Rainfall .....	Just downstream of State Route 143, about 1.5 miles northwest of Indian Creek crossing .....	*434
			Just upstream of State Route 143, about 1.5 miles northwest of Indian Creek crossing .....	*435
			Just east of Woodland Drive, south of 9th Street .....	*438
			Area bound by Cahokia Creek on south, Illinois Central Gulf Railroad on north, 1.0 mile east of and 1.0 mile west of State Route 111 .....	*428
			An area bounded on the north by Interstate 270, on the south by Norfolk and Western Railway, and on the west by a drainage ditch running south from the Illinois Terminal Railroad .....	*422
			An area bounded on the north by Interstate 270, on the south by Norfolk and Western Railway, and on the east by a drainage ditch running south from the Illinois Terminal Railroad .....	*423
			An area bounded on the north by Poag Road, on the west by State Route 111, on the south by Interstate 270, and on the east by Sand Road .....	*423
			An area northwest of Poag Road, southeast of Illinois Central Railroad, and surrounding Cemetery Road .....	*425
			An area lying between State Route 111, Oldenburg Road, Cahokia Creek, and Illinois Central Gulf Railroad .....	*425
			An area lying just to the southeast of the Illinois Central Railroad switchyard, and northwest of Poag Road .....	*425
			An area adjacent to a drainage ditch running between Poag Road and the intersection of State Route 111 and Interstate 270 .....	*424
			An area adjacent to a drainage ditch running southeast from the intersection of State Route 111 and Interstate 270 to Illinois Terminal Railroad .....	*423
			Adjacent to and including Long Lake, in the vicinity of the Village of Pontoon Beach .....	*417
			An area lying north of Cahokia Creek, south of Madison Avenue, east of Burlington Northern railroad, and west of Hedga Road .....	*428

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			An area bounded on the north and east by Breckenridge Road, on the west by Alton and Southern Railway, and on the south by Pontoon Avenue within the City of Granite.	*417
			Low lying areas to the west of Alton and Southern Railway, north of the City of Granite, and southeast of State Route 203.	*419
			An area adjacent to and east of State Route 111, and just north of Georgetown Drive.	*419
			An area including and adjacent to McDonough Lake, west of State Route 157 and east of Cahokia Canal.	*417
			A low-lying area between Cahokia Canal and State Route 162, about 1500 feet southeast of State Route 162, and northeast of Horseshoe Lake Road.	*411
			About 500 feet southeast of State Route 162 and adjacent to Lake Drive.	*415
			Between Alton and Southern Railway, Norfolk and Western Railway, and the southern Village of Pontoon Beach corporate limits.	*417
			An area south of U.S. Route 40 and west of Canteen Creek.	*421
			An area south of U.S. Route 40 and southwest of Canteen Creek.	*419
			An area south of U.S. Route 40, completely surrounded by incorporated areas of City of Collinsville.	*419
			Just west of City of Collinsville corporate limits and about 1000 feet south of Interstate 70.	*419
			Just north of City of Collinsville corporate limits and east of Black Lane.	*419
Maps available for inspection at the Building Environmental and Zoning Department, 103 Purcell, Edwardsville, Illinois.				
Send comments to Honorable Nelson Hegnauer, Chairman of the County Board, Madison County, Madison County Courthouse, Edwardsville, Illinois 62025.				
Illinois	(V) Pawnee, Sangamon County	Horse Creek	About 0.25 mile downstream of Carroll Street	*587
			About 0.39 mile upstream of Washington Street	*589
		Henkle Branch	At confluence with Horse Creek	*598
			About 0.53 mile upstream of 5th Street	*591
Maps available for inspection at the City Clerk's Office, Village Hall, 1201 7th Street, Pawnee, Illinois.				
Send comments to Honorable Arthur Brown, Village President, Village of Pawnee, Village Hall, 1201 7th Street, Pawnee, Illinois 62558.				
Illinois	(V) Sleepy Hollow, Kane County	Sleepy Creek	About 700 feet downstream of Locust Drive	*733
			About 350 feet downstream of Bullfrog Lane	*738
			Just upstream of Bullfrog Lane	*742
			About 450 feet downstream of Hillcrest Drive	*744
			About 400 feet upstream of Hillcrest Drive	*764
			About 1,450 feet upstream of Hillcrest Drive	*764
			Just downstream of State Route 72	*769
		Jelkes Creek	About 200 feet downstream of south corporate limits	*740
			About 350 feet downstream of Thorobred Lane	*750
			About 300 feet upstream of Thorobred Lane	*756
			Just downstream of Sleep Hollow Road	*769
Maps available for inspection at the Clerk's Office, Village Hall, One Thorobred Lane, Dundee, Illinois.				
Send comments to Honorable Therasa Peterson, Village President, Village of Sleep Hollow, Village Hall, One Thorobred Lane, Dundee, Illinois 60118.				
Illinois	(V) Thayer, Sangamon County	Sugar Creek	About 2,000 feet downstream of Harrison Avenue	*623
			About 100 feet upstream of Illinois Route 4	*627
			About 100 feet upstream of Elm Street	*628
Maps available for inspection at the Village Clerk's Office, Village Hall, Thayer, Illinois.				
Send comments to Honorable Rudolph Muyan, Village President, Village of Thayer, Village Hall, Thayer, Illinois 62689.				
Indiana	(C) Lebanon; Boone County	Prairie Creek	About 1.2 mile downstream of Lafayette Avenue	*913
			About 2,900 feet upstream of Conrail	*938
		New Reynolds Ditch	Approximately 1,600 feet downstream of North 176th Road.	*919
			About 900 feet downstream of State Route 39	*930
			1,600 feet upstream of Grant Boulevard	*940
Maps available for inspection at the City Hall, Building Inspector's Office, 201 East Main Street, Lebanon, Indiana.				
Send comments to Honorable Robert M. Campbell, Mayor, City of Lebanon, City Hall, 201 East Main Street, Lebanon, Indiana 46052.				
Indiana	(T) Pendleton Madison County	Fall Creek	About 630 feet downstream of Reformatory Road	*821
			Just upstream of State Route 36	*830
			Just upstream of State Route 67	*857
			At upstream extra-territorial limits	*862
		Prairie Creek	At mouth	*842
			Just downstream of Conrad	*848
			At upstream extra-territorial limits of	*851
		Spring Branch	At mouth	*857
			Just upstream of State Route 39	*868
			Just downstream of 150 West Road	*882
Maps available for inspection at the Town Hall, 119 West State Street, Pendleton, Indiana.				
Send comments to Honorable Charles Robertson, Town Board President, Town of Pendleton, Town Hall, 119 West State Street, P.O. Box 230, Pendleton, Indiana 46064.				
Iowa	(C) Johnston Polk County	Beaver Creek	Just upstream of Northwest Beaver Drive	*806
			About 1,900 feet upstream of Merle Hay Road	*809

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 380 feet downstream of Northwest 62nd Street....	*815
			Just downstream of Northwest 70th Avenue.....	*822
	Maps available for inspection at the City Building, P.O. Box 156, Johnston, Iowa.			
	Send comments to Honorable Ruth Schuler, Mayor, City of Johnston, City Building, P.O. Box 156, Johnston, Iowa 50131.			
Iowa	(C) Pleasant Hill, Polk County	Little Fourmile Creek	At mouth.....	*779
			Just upstream of University Avenue.....	*808
			About 0.8 mile upstream of University Avenue.....	*816
		Fourmile Creek	At confluence with Des Moines River.....	*781
			About 1,000 feet upstream of University Avenue.....	*803
		Des Moines River	About 1.8 miles downstream of State Highway 48.....	*781
			Just upstream of State Highway 46.....	*782
	Maps available for inspection at the Town Hall, 4450 East Oakwood, Pleasant Hill, Iowa.			
	Send comments to Honorable Larry Hopper, Mayor, City of Pleasant Hill, City Hall, 4450 East Oakwood, Pleasant Hill, Iowa 50317.			
Kansas	(C) Americus, Lyon County	Pester Creek	About 0.6 mile downstream of Walnut Street.....	*1,143
			About 1,500 feet upstream of Sycamore Street.....	*1,155
	Maps available for inspection at the City Hall, P.O. Box 187, Americus, Kansas.			
	Send comments to Honorable Donald Stone, Mayor, City of Americus, City Hall, P.O. Box 187, Americus, Kansas 66835.			
Maine	Harrison, town, Cumberland County	Crooked River	Approximately 520 feet downstream of Scribner's Mill Dam.	*331
			Upstream of Scribner's Mill Dam.....	*345
			Approximately 3,450 feet downstream of Bolster's Mill Dam.	*351
			Upstream of Bolster's Mills Road.....	*378
			Approximately 100 feet downstream of Ryefield Bridge Road.	*382
			Approximately 1,600 feet downstream of State Route 117.	*387
			Approximately 700 feet upstream of State Route 117.....	*400
		Crystal Lake Brook	Confluence with Long Lake.....	*274
			Crystal Lake Dam.....	*300
		Crystal Lake	Entire Shoreline.....	*300
		Long Lake	Entire Shoreline within Harrison.....	*274
	Maps available for inspection at the Town Office, Harrison, Maine.			
	Send comments to Honorable Russell Thompson, Chairman of the Harrison Board of Selectman, Town Office, P.O. Box 300, Harrison, Maine 04040.			
Massachusetts	Mendon, town, Worcester County	Mill River	Downstream Corporate Limits.....	*199
			Downstream Theyer Road.....	*202
			Upstream Bellingham Road.....	*205
			Upstream Corporate Limits.....	*217
		Muddy Brook	Confluence with Mill River.....	*205
			Upstream Cemetery Road.....	*211
			Approximately 3,300 feet upstream Hartford Avenue.....	*224
			Upstream George Street.....	*239
			Approximately 1,190 feet upstream of Milford Road.....	*280
		Charles River	Downstream Corporate Limits.....	*224
			Upstream Corporate Limits.....	*237
	Maps available for inspection at the Mendon Town Hall, 20 Main Street, Mendon, Massachusetts.			
	Send comments to the Honorable Clarence Phipps, Chairman of the Mendon Board of Selectmen, Town Hall, 20 Main Street, Mendon, Massachusetts 02758.			
Massachusetts	Wrentham, town, Norfolk County	Rabbit Hill Brook	Downstream Corporate Limits.....	*178
			Downstream U.S. Route 1.....	*187
			Upstream of U.S. Route 1.....	*193
			Upstream of Motel Access Road.....	*197
			Downstream of Myrtle Street.....	*200
			Approximately 100 feet upstream of Myrtle Street.....	*203
		Crocker Brook	Downstream of Access Road.....	*208
			1,300 feet upstream of East Street (Downstream of Conrail Bridge).	*210
		Burnt Swamp Brook	Downstream Corporate Limits.....	*236
			Upstream of Burnt Swamp Road.....	*245
			Upstream of Private Road (approximately 1,040 feet downstream of West Street).	*251
			Approximately 1,700 feet upstream of West Street.....	*266
	Maps available for inspection at the Town Clerk's Office, Town Offices, South Street, Wrentham, Massachusetts.			
	Send comments to Honorable Karen Cohut, Chairwoman of the Board of Selectmen of the Town of Wrentham, Town Offices, South Street, Wrentham, Massachusetts 02093.			
Michigan	(V) Homer, Calhoun County	South Branch Kalamazoo River	About 1,200 feet downstream of Webster Street.....	*964
			Just downstream of Byron Street.....	*968
	Maps available for inspection at the Clerk's Office, Village Hall, 130 East Main Street, Homer, Michigan.			
	Send comments to Honorable Suzanne Timmins, Village President, Village of Homer, Village Hall, 130 East Main Street, Homer, Michigan 49245			
Michigan	(Twp.) Williamston, Ingham County	Red Cedar River	About 0.35 mile downstream of Grend River Avenue.....	*852
			About 500 feet upstream of Zimmer Road.....	*860
			About 1.1 miles upstream of South Putnam Street.....	*868
		Unnamed Tributary	Mouth at Red Cedar River.....	*864
			Just upstream of Williamston Road.....	*868
	Maps available for inspection at the Township Hall, 4990 North Zimmer Road, Williamston, Michigan.			
	Send comments to Honorable Robert Templeton, Supervisor, Township of Williamston, Township Hall, 4990 North Zimmer Road, Williamston, Michigan 48895.			
Michigan	Wyoming (city), Kent County	Grand River	Intersection of Conrail and Interstate Highway 196.....	*607
		Plaster Creek	Intersection of creek and center of Chicago Drive.....	*616
			50 feet downstream from center of Division Street.....	*641

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Buck Creek .....	50 feet upstream from center of Byron Center Avenue... Intersection of 56th Street and Crippen Avenue .....	*640 *668

Maps available for inspection at Treasurer's Office, 1155 28th Street, SW., Wyoming, Michigan.  
Send comments to the Honorable Harold Isenga, 1155 28th Street, SW., Wyoming, Michigan 49509.

(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: July 16, 1981.

Donald L. Collins,  
Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-22495 Filed 8-3-81; 8:35 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6122]

National Flood Insurance Program;  
Proposed Flood Elevation  
Determinations; Minnesota, et al.

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 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 requirements 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 new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 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 flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The 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)
Minnesota	(C) Albert Lea, Freeborn County	Bancroft Creek	Mouth at Fountain Lake	*1218
			Just downstream of County Road (at upstream corporate limits)	*1219
		Goose Lake Outlet Stream	Mouth at Fountain Lake	*1218
			Just downstream of Chicago, Rock Island and Pacific Railroad	*1222
		White Lake Outlet Stream	Mouth at Fountain Lake	*1218
Fountain Lake Outlet Stream	About 450 feet upstream of State Highway 13	*1219		
	Mouth at Albert Lea Lake	*1214		
		Just upstream of Main Street	*1215	
		Outlet from Fountain Lake	*1218	

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Pickerel Lake Outlet Stream	Mouth at Fountain Lake	*1218
			Just upstream of State Highway 13	*1219
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*1220
		Fountain Lake	Shoreline	*1218
		Albert Lea Lake	Shoreline	*1214
Maps available for inspection at the City Hall, 221 East Clark Street, Albert Lea, Minnesota.				
Send comments to Honorable O. H. (Buzz) Hagen, Mayor, City of Albert Lea, City Hall, 221 East Clark Street, Albert Lea, Minnesota 56007.				
Minnesota	(C) Blue Earth, Faribault County	Blue Earth River	About 1,000 feet downstream of the confluence with East Fork Blue Earth River.	*1060
			About 2,800 feet upstream of County Highway 6	*1063
		East Fork Blue Earth River	Just downstream of Old Highway 169	*1060
			About 0.72 mile upstream of 7th Street	*1065
Maps available for inspection at the City Hall, 125 West 6th Street, Blue Earth, Minnesota.				
Send comments to Honorable John Patton, Mayor, City of Blue Earth, City Hall, 125 West 6th Street, Blue Earth, Minnesota 56013.				
Minnesota	(C) Dover, Olmsted County	South Fork Whitewater River	Approximately 100 feet downstream of downstream corporate limit.	*1136
			Approximately 50 feet downstream of the Chicago and North Western Railroad.	*1139
			Approximately 100 feet upstream of the Chicago and North Western Railroad.	*1142
			Approximately 1,000 feet upstream of County Highway 10.	*1144
		Tributary B	Approximately 80 feet downstream of the Chicago and North Western Railroad.	*1144
			Approximately 750 feet upstream of the Chicago and North Western Railroad.	*1148
Maps available for inspection at the City Hall, P.O. Box 116, Dover, Minnesota.				
Send comments to Honorable Dave Raddatz, Mayor, City of Dover, City Hall, P.O. Box 116, Dover, Minnesota 55929.				
Minnesota	(C) Dundas, Rice County	Cannon River	About 3,400 feet downstream of Hester Street.	*917
			About 4,400 feet upstream of Hester Street	*926
		Cannon River Overbank Channel	About 1,430 feet downstream of County Road 1	*917
			Just downstream of East Street	*923
			About 900 feet upstream of East Street	*926
Maps available for inspection at the City Hall, P.O. Box 75, Dundas, Minnesota.				
Send comments to Honorable William Weaver, Mayor, City of Dundas, City Hall, P.O. Box 75, Dundas, Minnesota 55019.				
Minnesota	(c) Emmons, Freeborn County	State Line Lake	Shoreline	*1272
		State Line Lake Outlet Stream	About 150 feet downstream of Lake Street	*1269
			Just upstream of Lake Street	*1271
			About 20 feet upstream of State Line Lake Outlet Dam.	*1272
Maps available for inspection at the City Hall, Emmons, Minnesota.				
Send comments to Honorable Leroy Roberts, Mayor, City of Emmons, City Hall, Emmons, Minnesota 56029.				
Minnesota	(Uninc.), Freeborn County	Shell Rock River	Just upstream of U.S. Highway 65	*1210
			Just downstream of Albert Lea Lake Outlet Dam	*1214
		Goose Creek	Just upstream of County Road located at center of Section 18, T 101 N, R 21 W.	*1231
		Goose Creek Tributary	About 1,600 feet downstream of U.S. Highway 69	*1258
			Confluence with Goose Creek	*1232
			About 4,675 feet upstream of confluence with Goose Creek.	*1233
		Goose Lake Outlet Stream	About 2,750 feet downstream of Chicago, Rock Island and Pacific Railroad.	*1221
			Just upstream of Chicago, Rock Island and Pacific Railroad.	*1222
		Pickerel Lake Outlet Stream	About 1,300 feet upstream of State Highway 13	*1220
			Just downstream of White Lake Road	*1226
			Just upstream of White Lake Road	*1233
			Just downstream of Pickerel Lake Dam	*1239
		White Lake Outlet Stream	Mouth at Fountain Lake	*1218
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*1221
		Manchester Creek	Mouth at Fountain Lake	*1218
			About 200 feet downstream of Interstate 90	*1241
		Bancroft Creek	About 150 feet upstream of mouth	*1218
			Just upstream of Interstate 90	*1223
			Just downstream of County Highway 25	*1232
		Pickerel Lake	Shoreline	*1239
		White Lake	Shoreline	*1221
		School Section Lake	Shoreline	*1237
		Goose Lake	Shoreline	*1222
		Lower Twin Lake	Shoreline	*1260
		Fountain Lake	Shoreline	*1218

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
		State Line Lake.....	Shoreline.....	*1272
		Albert Lea Lake.....	Shoreline.....	*1214
Maps available for inspection at the Freeborn County Courthouse, Albert Lea, Minnesota.				
Send comments to Honorable Fred Brabeck, County Board Chairman, Freeborn County Courthouse, Albert Lea, Minnesota 56007				
Minnesota.....	(C) Glenville, Freeborn County.....	Shell Rock River.....	About 5,800 feet downstream of Main Street.....	*1212
			About 7,600 feet upstream of Main Street.....	*1213
Maps available for inspection at the City Hall, West Main Street, Glenville, Minnesota.				
Sends comments to Honorable Donald Williamson, Jr., Mayor, City of Glenville, City Hall, West Main Street, Glenville, Minnesota 56036.				
Minnesota.....	(C) Medicine Lake, Hennepin County.....	Medicine Lake.....	Within corporate limits.....	*890
		Bassett Creek.....	About 200 feet downstream of Chicago and North Western railroad.	*888
			Just upstream of Chicago and North Western railroad....	*888
Maps available for inspection at the City Hall, 10609 S. Shore Drive, Medicine Lake, Minnesota.				
Sends comments to Honorable Neil Sorenson, Mayor, City of Medicine Lake, City Hall, 10609 S. Shore Drive, Medicine Lake, Minnesota 55441.				
Minnesota.....	(C) St. Charles, Winona County.....	South Fork Whitewater River.....	At downstream corporate limits.....	*1104
			At upstream county boundary.....	*1112
		Tributary C.....	At mouth.....	*1108
			About 275 feet upstream of Third Street.....	*1112
			About 630 feet downstream of Chicago and North Western railroad.	*1147
			Just downstream of Chicago and North Western railroad.	*1154
Maps available for inspection at the City Hall, 1242 Whitewater Avenue, St. Charles, Minnesota.				
Sends comments to Honorable Mel Brownell, Mayor, City of St. Charles, City Hall, 1242 Whitewater Avenue, St. Charles, Minnesota 55972.				
Minnesota.....	(C) St. James, Watonwan County.....	St. James Creek.....	About 1,250 feet downstream of Chicago and North Western Railroad.	*1050
			Just downstream of State Highway 60.....	*1059
		St. James Lake.....	Shoreline.....	*1082
Maps available for inspection at the City Hall, 120 Armstrong Boulevard South, St. James, Minnesota.				
Sends comments to the Honorable Roger Parsons, Mayor, City of St. James, City Hall, P.O. Box 70, 120 Armstrong Boulevard South, St. James, Minnesota 56081.				
Minnesota.....	(C) Stockton, Winona County.....	Garvin Brook.....	Just upstream of Chicago and North Western railroad (near Broadway Street).	*747
			Just upstream of Stockton Dam.....	*756
			About 0.57 mile upstream of F Street.....	*763
		West Tributary.....	Just upstream of U.S. Highway 14.....	*771
			About 0.43 mile upstream of U.S. Highway 14.....	*784
			At upstream corporate limits.....	*822
		East Tributary.....	About 350 feet downstream of City Road.....	*752
			About 100 feet downstream of Agricultural Dam No. 1.....	*760
			Just upstream of Agricultural Dam No. 1.....	*766
			About 70 feet upstream of Agricultural Dam No. 2.....	*773
Maps available for inspection at the City Hall, P.O. Box 238, Stockton, Minnesota.				
Sends comments to the Honorable Hedwin Lee Henry, Mayor, City of Stockton, City Hall, P.O. Box 238, Stockton, Minnesota 55988.				
Minnesota.....	(C) Twin Lakes, Freeborn County.....	Lower Twin Lake.....	Shoreline.....	*1260
		Goose Creek.....	About 1,775 feet downstream of Depot Street.....	*1237
			Just downstream of abandoned railroad (about 600 feet downstream of Depot Street).	*1247
			Just upstream of abandoned railroad (about 600 feet downstream of Depot Street).	*1255
			Just upstream of Main Street.....	*1259
			Outlet from Lower Twin Lake.....	*1260
Maps available for inspection at the City Hall, Twin Lakes, Minnesota.				
Sends comments to Honorable Helen Riley, Mayor, City of Twin Lakes, City Hall, Twin Lakes, Minnesota 56089				
Missouri.....	(Uninc.), Cass County.....	West Fork-East Creek.....	Just upstream from State Route Y.....	*842
			About 3,000 feet upstream from State Route Y.....	*857
			About 100 feet upstream of corporate limit (about 5,900 feet upstream of 187th Street).	*881
		Poney Creek.....	About 7,460 feet downstream from Old State Route O.....	*823
			Just downstream from Old State Route O.....	*834
			About 2,800 feet upstream of State Highway O.....	*843
		Muddy Creek.....	About 2,900 feet above mouth.....	*842
			About 6,100 feet upstream of confluence of Muddy Creek Tributary No. 1.....	*856
			About 860 feet downstream from Orchard Road.....	*890
			About 2,300 feet upstream from Orchard Road.....	*900
		Muddy Creek Tributary No. 1.....	At mouth.....	*846
			Just downstream from State Highway 2.....	*851
			Just upstream from State Highway 2.....	*855
			About 5,350 feet upstream of State Highway 2.....	*868
Maps available for inspection at the County Clerk's Office, Cass County Courthouse, Harrisonville, Missouri.				
Send comments to Honorable Wayne Reid, Presiding Judge, Unincorporated Areas of Cass County, Cass County Courthouse, Harrisonville, Missouri 64701				
Nebraska.....	(Uninc.), Dakota County.....	Missouri River.....	Downstream county boundary.....	*1070
			Downstream extraterritorial limits of City of Dakota City..	*1081
			About 2.4 miles downstream of confluence of Elk Creek.	*1082

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Upstream county boundary.....		*1100
		Pigeon Creek.....	About 1,300 feet downstream of U.S. Highway 77.....	*1094
			At eastern Village of Hubbard extraterritorial limits.....	*1130
			At southwestern Village of Hubbard extraterritorial limits.....	*1171
			South line of Section 33, T 28N, R 7E.....	*1226
		Elk Creek.....	About 270 feet downstream of Village of Jackson west extraterritorial limits.....	*1133
			just upstream of Burlington Northern railroad.....	*1150
			About 6,300 feet upstream of Burlington Northern railroad.....	*1159
Maps available for inspection at the County Clerk's Office, Dakota County Courthouse, Dakota City, Nebraska.				
Send comments to Honorable Gretchen Hirshbach, Chairman of the County Board of Commissioners, Unincorporated Areas of Dakota County, Dakota County Courthouse, Dakota City, Nebraska 68731				
Nebraska.....	(C) Hooper, Dodge County.....	Elkhorn River.....	About 2.85 miles downstream of County Highway.....	*1221
			Just upstream of County Highway.....	*1232
			About 7,500 feet upstream of County Highway.....	*1234
Maps available for inspection at the City Hall, Box C, Hooper, Nebraska.				
Send comments to Honorable David Sager, Mayor, City of Hooper, City Hall, Box C, Hooper, Nebraska 68031.				
Nebraska.....	(C) Waverly, Lancaster County.....	Salt Creek.....	Just downstream North 141st Street.....	*1111
			Confluence of Ash Hollow Ditch.....	*1115
			About 3,400 feet upstream of North 120th Street.....	*1120
		Ash Hollow Ditch.....	About 1,600 feet downstream of U.S. Highway 6.....	*1115
			Just upstream of U.S. Highway 6.....	*1121
			Just downstream of Interstate 80.....	*1140
Maps available for inspection at the City Hall, P.O. Box 427, Waverly, Nebraska.				
Send comments to Honorable Dean Burchan, Mayor, City of Waverly, City Hall, P.O. Box 427, Waverly, Nebraska 68462.				
New Jersey.....	Saddle Brook (township), Bergen County.....	Saddle River.....	350 feet upstream of centerline of Market Street.....	*40
			100 feet upstream of centerline of Garden State Parkway.....	*43
		Coalberg Brook.....	100 feet upstream of centerline of U.S. Route 80.....	*44
			50 feet upstream of centerline of Market Street.....	*47
		Coalberg Brook Tributary.....	At confluence with Coalberg Brook.....	*47
Maps available for inspection at Town Hall, Saddle Brook, New Jersey				
Send comments to the Honorable Charles J. Kern, 93 Market Street, Saddle Brook, New Jersey 07662.				
New Jersey.....	West Deptford, (township), Gloucester County.....	Delaware River.....	Downstream Corporate Limits.....	*10
			Upstream Corporate Limits.....	*10
		Mantua Creek.....	Confluence with the Delaware River.....	*10
			New Jersey Turnpike (Upstream side).....	*10
			State Route 45 (Downstream side).....	*11
		Woodbury Creek.....	Confluence with the Delaware River.....	*10
			Upstream Corporate Limits.....	*10
Maps available for inspection at the Office of the Township Administrator, West Deptford Municipal Building, Thorofare, New Jersey.				
Send comments to Honorable Geogre Brown, Mayor of West Deptford Township, Municipal Building, Thorofare, New Jersey 08086.				
New York.....	Rush (town), Monroe County.....	Genesee River.....	Downstream Corporate Limits.....	*532
			Upstream Corporate Limits.....	*537
		Honeoye Creek.....	Confluence with Genesee River.....	*535
			Upstream West Henrietta Road.....	*542
			Upstream Dam.....	*549
			Upstream Corporate Limits.....	*555
		Pinnacle Creek.....	Confluence with Honeoye Creek.....	*550
			Upstream State Route 251.....	*570
			Upstream Pinnacle Road.....	*606
			Upstream Wardell Road.....	*621
		Railroad Creek.....	Confluence with Genesee River.....	*535
			Upstream Martin Road.....	*548
			Upstream East River Road.....	*587
			Upstream Farm Road.....	*600
		Stoney Brook.....	Confluence with Honeoye Creek.....	*544
			Upstream Stoney Brook Road.....	*559
			Upstream Abandoned Railroad.....	*570
			Upstream Dam.....	*596
			Upstream Five Points—Honeoye Falls Road.....	*609
			Downstream Honeoye Falls Road.....	*665
Maps available for inspection at the Town Hall, 5977 East Henrietta Road, Rush, New York.				
Send comments to Honorable Lucy Parsons, Supervisor of Rush, Town Hall 5977 East Henrietta Road, Rush, New York 14543.				
North Dakota.....	Bismarck (city), Burleigh County.....	Missouri River.....	At the center of the Burlington Northern Railroad crossing of Missouri River.....	*1636
		Apple Creek.....	Sirly Drive along Apple Creek.....	#1
			At the center of the State Highway 1804 crossing of Apple Creek.....	*1635
			At the intersection of Northgate Drive and Fernhill Drive.....	*1654
		Hay Creek.....	At the center of the Old U.S. Highway 10 crossing of Hay Creek.....	*1662



## 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>100 feet downstream from the center of the Century Avenue crossing.</p> <p>Maps available for inspection at the City Engineer's Office, 705 S. 9th Street, Bismarck, North Dakota. Send comments to Honorable Buss Leary, P.O. Box 1578, Bismarck, North Dakota 58501.</p>				*1701
North Dakota	Burleigh County (unincorporated areas)	Missouri River	Confluence of Burnt Creek and Missouri River	*1640
		Burnt Creek	200 feet upstream from center of Old F.A.S. 1804	*1647
			1,000 feet downstream from center of U.S. Highway 83.	*1774
		Apple Creek	Sirly Drive along Apple Creek	#1
			200 feet upstream from center of Bismarck Avenue	*1658
			Intersection of Apple Creek and center of Old U.S. Highway 10.	*1676
<p>Maps available for inspection at the County Engineer's Office, Burleigh County Courthouse, Bismarck, North Dakota. Send comments to Honorable Cliff Giese, Burleigh County Courthouse, Bismarck, North Dakota 58501.</p>				
Ohio	(V) Portage, Wood County	North Branch Portage River	About 0.5 mile downstream of Conrail	*676
			About 0.35 mile upstream of U.S. Route 25	*679
<p>Maps available for inspection at the Mayor's Office, Town Hall, Portage, Ohio. Send comments to Honorable Clifford J. Schroeder, Mayor, Village of Portage, Town Hall, Portage, Ohio 43451.</p>				
Oregon	Florence (city) Lane County	Siuslaw River	Intersection of River and center of U.S. Highway 101	*11
<p>Maps available for inspection at the Planning Department, 250 Highway 101, Florence, Oregon. Send comments to Honorable Roger W. McCorkle, P.O. Box 340, Florence, Oregon 97439.</p>				
Oregon	Hillsboro (city), Washington County	Tualatin River	Intersection of river and center of State Highway 219 (at corporate limits).	*147
		Dawson Creek	Intersection of creek and center of Burlington Northern Railroad.	*151
		Dairy Creek	100 feet upstream from center of State Highway 8	*150
<p>Maps available for inspection at Planning Department, 205 S.E. Second Avenue, Hillsboro, Oregon. Send comments to the Honorable Jim Darr, 205 S.E. Second Avenue, Hillsboro, Oregon 97123.</p>				
Oregon	Tangent (city), Linn County	Calapooia River	Approximately 800 feet south along Glass Drive from the point where Glass Drive bends from an east-west to a north-south orientation.	*238
		North Lake Creek	Intersection of the channel and State Highway 99E Intersection of Blackberry Lane and Tangent Drive.	*242
<p>Maps available for inspection at City Hall, 32909 Highway 99E, Tangent, Oregon. Send comments to the Honorable Don Herrold, P.O. Box 251, Tangent, Oregon 97389.</p>				
South Carolina	York (city), York County	Ross Branch	25 feet upstream from center of California Street	*644
		Ross Branch Tributary No. 1	Intersection of tributary and center of U.S. Highway 321 Bypass.	*667
		Ross Branch Tributary No. 2	200 feet upstream from center of U.S. Highway 231 Bypass.	*667
		Creekside Branch	200 feet south from intersection of Bratton Avenue and Forrest Drive.	*649
			100 feet upstream from center of Railroad Avenue	*685
		Creekside Branch Tributary No. 1	400 feet east-southeast from intersection of Lynwood Circle and Benfield Avenue.	*687
		Creekside Branch Tributary No. 2	50 feet upstream from center of Woodland Drive	*688
		Langham Branch	150 feet upstream from center of East Liberty Street	*675
		Langham Branch Tributary No. 1	100 feet downstream from center of South Pacific Avenue.	*685
		Fishing Creek Tributary No. 1	100 feet upstream from center of Nottingham Road	*643
			100 feet upstream from center of North Congress Street.	*698
		Fishing Creek Tributary No. 1-A	100 feet upstream from center of Morton Street	*691
		Fishing Creek Tributary No. 1-B	175 feet downstream from center of Hall Street	*700
<p>Maps available for inspection at City Hall, York, South Carolina. Send comments to the Honorable W. Lewis Wallace, P.O. Box 500, York, South Carolina 29745.</p>				
Texas	Unincorporated areas of Bee County	Poesta Creek	Just upstream of Old Beeville Road	*180
			Just upstream of State Highway 202	*171
			Just upstream of U.S. Highway 181	*195
		Salt Branch	Just upstream of U.S. Business 181	*196
		Talpacate Creek	Just downstream of Kennedy Street	*209
			Just upstream of Old Charco Road (FM 460)	*245
			Just upstream of the Route 516 Spur	*274
		Salt Creek	Just upstream of Ellis Road	*211
			Just downstream of Jones Road	*228
			Just downstream of Southern Pacific Railroad	*276
		Unnamed Tributary	Just downstream of U.S. Highway 59	*221
<p>Maps available for inspection at County Judge's Office, Bee County Courthouse, Beeville, Texas 78102. Send comments to County Judge John B. Hensley or for Precinct 1—Commissioner Adam Gonzales, P.O. Box 637, Beeville, Texas 78102; for Precinct 2—Commissioner Julius Helm, Star Route 2, P.O. Box 63, Kennedy, Texas 78116; for Precinct 3—Commissioner Scott E. McNeill, P.O. Box 1150, Beeville, Texas 78102; for Precinct 4—Commissioner Henry C. Lohse, P.O. Box 237, Skidmore, Texas 78389.</p>				
Texas	Town of Colleyville, Tarrant County	Bear Creek	Approximately 500 feet downstream of State Highway 26 (Colleyville Boulevard).	*572
			Approximately 1,300 feet upstream of State Highway 26 (Colleyville Boulevard).	*575
			Just downstream of White Chapel Road	*582

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Little Bear Creek.....	Approximately 300 feet downstream of Jackson Road....	*561
			Approximately 200 feet upstream of Jackson Road.....	*562
			Approximately 200 feet downstream of Oak Knoll Road.....	*565
		Tributary Little Bear 1 .....	Just downstream of Glade Road.....	*564
			Approximately 120 feet upstream of Glade Road.....	*565
		Tributary Little Bear 2 .....	Just downstream of St. Louis Southwestern Railroad.....	*624
			Approximately 130 feet upstream of St. Louis Southwestern Railroad.....	*627
Maps available for inspection at Town Hall, 5400 Branford Road, Colleyville, Texas 76034.				
Send comments to Mayor Buck Hubbard or Mr. Dick Balfenger, Town Manager, P.O. Box 185, Colleyville, Texas 76034.				
Texas.....	Town of Lowe Colony, Brazoria County.....	West Fork Chocolate Bayou.....	Just downstream of County Road 64.....	*46
			Just upstream of County Road 57.....	*54
		Unnamed Tributary of Chocolate Bayou.....	Just upstream of County Road 62.....	*47
		Hayes Creek.....	Just upstream of County Road 54.....	*52
			Just upstream of County Road 382.....	*54
		Chocolate Bayou .....	Just downstream of County Road 72.....	*51
Maps available for inspection at Town Hall, Lowe Colony, Texas 77583.				
Send comments to Mayor D. E. Grantham, Town Hall, Rural Route Box 218, Rosharon, Texas 77583.				
Texas.....	Town of Prairie View, Waller County.....	Ponds Creek.....	Just upstream of Brooks Road.....	*219
			Just upstream of Been Road .....	*225
		Mound Creek.....	Just upstream of U.S. Highway 290.....	*258
Maps available for inspection at City Hall, Prairie View, Texas 77445.				
Send comments to Mayor Eristus Sams, Town Hall, P.O. Box 2809, Prairie View, Texas 77445.				
Texas.....	City of Rosenberg, Fort Bend County.....	North Branch of Dry Creek .....	Just downstream of Laurel Avenue.....	*98
			Just upstream of Laurel Avenue.....	*99
		Dry Creek.....	Approximately 250 feet upstream of Louise Avenue.....	*98
			Approximately 200 feet downstream of Fourth Street.....	*99
			Just downstream of State Highway 36 .....	*100
		Seabourne Creek.....	Just upstream of Bernard Avenue extended.....	*98
			Just downstream of Grundweld Heights Blvd. extended..	*99
		Brazos River.....	Just upstream of 6th Street extended .....	*93
Maps available for inspection at the Town Hall, 2110 South Fourth Street, Rosenberg, Texas 77471.				
Send comments to Mayor Elwood Raines, City Hall, 2110 South Fourth Street, Rosenberg, Texas 77471.				
Washington.....	Kititas (town), Kittitas County.....	Caribou Creek .....	100 feet upstream from center of Badger Creek Road...	*1633
		Cook Creek.....	Intersection of Third Avenue and Pierce Street .....	*1
Maps available for inspection at Town Hall, Kititas, Washington.				
Send comments to Honorable Marv Johnson, Town Hall, Kititas, Washington 98934.				
Washington.....	Selah (city), Yakima County.....	Yakima River.....	Downstream Corporate Limits .....	*1,088
			Naches Avenue (downstream) .....	*1,096
			East Bertlett Avenue (extended).....	*1,098
			Approximately 4,200' upstream of Naches Avenue (extended).	*1,108
Maps available for inspection at City Hall, 115 West Naches Avenue, Selah, Washington.				
Send comments to Honorable Harold Teyer, Mayor of the City of Selah, City Hall, 115 West Naches Avenue, Selah, Washington 98942.				
West Virginia.....	Weston (city), Lewis County.....	West Fork River.....	Downstream Corporate Limits .....	*1,016
			Fourth Street bridge (Upstream side).....	*1,018
			Upstream crossing of Chessie System bridge.....	*1,020
			Approximately 0.5 miles upstream of State Route 24 bridge.	*1,022
		Polk Creek.....	River Avenue bridge (Upstream side).....	*1,017
			Howell Street bridge (Upstream side).....	*1,018
			Approximately 0.2 mile upstream of Kuntz Avenue bridge.	*1,022
		Stonecoal Creek .....	Confluence with West Fork River .....	*1,018
			Upstream Corporate Limits.....	*1,019
Maps available for inspection at the Municipal Building, Weston, West Virginia.				
Send comments to Honorable Wendell Hayes, Mayor of Weston, 102 West 2nd Street, Weston, West Virginia 26452.				
Wisconsin.....	(Uninc.), Calumet County.....	Lake Winnebago.....	Shoreline.....	*748
		Killsnake River.....	About 1,800 feet downstream of County Highway.....	*810
			About 400 feet upstream of Weeks Road.....	*820
			Just upstream of Irish Road .....	*839
			Just downstream of County Highway E.....	*860
			About 2,200 feet upstream of McHugh Road .....	*885
			Just downstream of Faro Springs Road.....	*907
		Brithertown Creek.....	About 1,200 feet downstream of Herbor Road.....	*750
			Just downstream of U.S. Highway 151 .....	*793
			About 1,500 feet upstream of U.S. Highway 151.....	*799
		Black Creek.....	Mouth at Spring Creek .....	*805
			Just downstream of State Highway 114 .....	*810
			About 800 feet upstream of Round Lake Road .....	*828
			Just downstream of County Line Road.....	*851
		East Branch Spring Creek.....	At confluence with Spring Creek .....	*842
			Just upstream of County Highway PP.....	*846

## Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
		Mill Creek.....	About 4,100 feet upstream of County Highway PP.....	*876
			About 2,100 feet downstream of Lakeshore Road.....	*905
			Just upstream of State Highway 55.....	*855
		Mud Creek.....	About 3,300 feet upstream of State Highway 55.....	*865
			At mouth.....	*748
			Just downstream of Mud Creek Road.....	*756
			About 2,450 feet upstream of Lake Shore Road (at Village of Stockbridge corporate limits).....	*788
		South Branch Manitowoc River.....	About 2.5 miles downstream of Weeks Road.....	*608
			About 100 feet upstream of Weeks Road.....	*816
			Just upstream of dam near Weeks Road.....	*820
			About 1,000 feet upstream of Irish Road.....	*842
			About 425 feet upstream of East Main Street.....	*850
			About 1.8 miles downstream of Coffeen Road.....	*880
			About 200 feet upstream of Coffeen Road.....	*894
			About 1.6 miles upstream of Harlow Road.....	*900
		Pine Creek.....	Just upstream of U.S. Highway 151.....	*821
			About 400 feet upstream of Honeymoon Hill Road.....	*828
			About 150 feet upstream of Meggars Road.....	*864
			About 0.57 mile upstream of Tecumseh Road (at City of New Holstein corporate limits).....	*906
		North Branch Manitowoc River.....	About 3.5 miles upstream of mouth.....	*807
			About 4.6 miles upstream of mouth.....	*807
		Spring Creek.....	About 2,000 feet downstream of Hacker Road (at City of Brillion corporate limit).....	*825
			About 475 feet upstream of Hacker Road.....	*834
			About 2,400 feet upstream of Rusch Road.....	*851
		Stoney Brook.....	At mouth.....	*900
			About 150 feet downstream of Stoney Brook Road.....	*900
			About 150 feet upstream of Quinney Road.....	*946
			Just downstream of County Highway F.....	*962
		Unnamed Tributary of Pine Creek.....	At mouth.....	*826
			About 850 feet downstream of Bruckner Road.....	*840
			Just upstream of Hayton Road.....	*882
			Just downstream of State Highway 57.....	*895
		Unnamed Ditch—Ariens Ditch.....	At downstream City of Brillion corporate limit.....	*814
			At upstream City of Brillion corporate limit.....	*814
<p>Maps available for inspection at the Zoning Administrator's Office, Chilton County Courthouse, 206 Court Street, Chilton, Wisconsin.            Send comments to Honorable George Hostettler, County Board Chairman, Calumet County, Chilton County Courthouse, 206 Court Street, Chilton, Wisconsin 53014.</p>				
Wisconsin.....	(C) Edgerton, Rock County.....	Saunders Creek.....	About 2,300 feet downstream of Fulton Street.....	*789
			Just upstream of Fulton Street.....	*810
			Just upstream of Randolph Street.....	*816
			At the county boundary.....	*822
<p>Maps available for inspection at the Office of the Village Clerk, City Hall, 12 Albion Street, Edgerton, Wisconsin.            Send comments to Honorable Eugene Gruna, Mayor, City of Edgerton, City Hall, 12 Albion Street, Edgerton, Wisconsin 53534.</p>				
Wisconsin.....	(V) Stockbridge, Calumet County.....	Mill Creek.....	Mouth at Lake Winnebago.....	*749
			At upstream corporate limits.....	*805
		Mud Creek.....	At downstream corporate limits.....	*788
			At upstream corporate limits.....	*868
		Lake Winnebago.....	Shoreline.....	*748
<p>Maps available for inspection at the Stockbridge Village Hall—Firehouse, Highway 55, Stockbridge, Wisconsin.            Send comments to Honorable George Hostettler, Village President, Village of Stockbridge, Stockbridge Village Hall—Firehouse, Highway 55, Stockbridge, Wisconsin 53088.</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: July 16, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-22488 Filed 8-3-81; 8:45 am]

BILLING CODE 6718-03-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[BC Docket No. 80-522; RM-3582]

### FM Broadcast Station in Carnelian Bay<sup>1</sup>, and South Lake Tahoe, California, and Incline Village, Nevada; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

<sup>1</sup> This community has been added to the caption.

**ACTION:** Further notice of proposed rule making.

**SUMMARY:** This action proposes the substitution of Class B FM Channels 230 and 275 for Channels 261A and 276A at South Lake Tahoe, California, and modification of the licenses of Stations KRLT and KTHO-FM to specify operation on the Class B channels; the substitution of Channel 261A for Channel 228A at Incline Village, Nevada; and the substitution of Class B

Channel 279 for Channel 269A at Carnelian Bay, California, and modification of the license of Station KEZC, Carnelian Bay, to specify operation on Channel 279. Substitution of Class B channels for Class A channels would allow the stations to increase their listening areas.

**DATES:** Comments must be filed on or before September 28, 1981, and reply comments on or before October 19, 1981.

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

**FOR FURTHER INFORMATION CONTACT:**

Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:** In the matter of amendment of § 73.202(b), *Table of Assignments, FM Broadcast Stations*. (Carnelian Bay<sup>1</sup>, and South Lake Tahoe, California, and Incline Village, Nevada<sup>2</sup>), BC Docket No. 80-522, RM-3582.

Adopted: July 21, 1981.

Released: July 28, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 58613, published September 4, 1980, proposing the substitution of Class B Channels 230 and 275 for Channels 261A and 276A in South Lake Tahoe, California. The *Notice* also proposed to modify the licenses of Stations KRLT and KTHO-FM, South Lake Tahoe, to specify operation on the Class B channels. The proceeding was initiated in response to a petition filed by Emerald Broadcasting Co. ("Emerald"), licensee of Stations KTHO and KTHO-FM at South Lake Tahoe. Comments in response to the *Notice* were submitted by Emerald; Entertainment Enterprises, Inc. ("EEI"), licensee of Station KRLT, South Lake Tahoe; and Tahoe Wireless Co. ("Wireless"), licensee of station KEZC (Channel 269A), Carnelian Bay, California. All three parties filed reply comments.<sup>2</sup>

2. EEI was asked in the *Notice* to show cause why it should not have its license modified to specify operation on Channel 230. In response, EEI states that due to site restrictions on the use of Channel 230, it would be forced to relocate its transmitter to approximately 20 miles south of the city. EEI points out, however, that if Channel 261A is deleted from South Lake Tahoe as proposed, it could then be substituted for Channel 228A at Incline Village, Nevada. Removing Channel 228A at Incline Village would, in turn, eliminate the site restriction on the use of Channel 230 at South Lake Tahoe and allow EEI to utilize Channel 230 from its present transmitter site. EEI concludes that if the channel substitution is made at Incline Village, it would not object to having its license modified to specify operation on

Channel 230.

3. Wireless, in its comments, states that if the Commission is inclined to upgrade the South Lake Tahoe FM stations to Class B status, it should also assign a Class B station to Carnelian Bay and modify Wireless' license. Wireless states that if Channel 276A is deleted from South Lake Tahoe as proposed, Channel 279 could then be assigned to Carnelian Bay. In support of its position, Wireless states that for all practical purposes the radio stations serving South Lake Tahoe and Carnelian Bay are competing for the same audiences and advertising revenues. Wireless argues that it would be unfair to upgrade the South Lake Tahoe stations while leaving its station with Class A status. Finally, Wireless states that if the Commission declines to propose a Class B station for Carnelian Bay, it would be interested in applying for one of the Class B assignments at South Lake Tahoe.

4. We believe the alternative assignment suggestions made by EEI and Wireless have merit and should be made available for comment by interested parties. Regarding the proposal to substitute Channel 261A for Channel 228A at Incline Village, the two applicants for Channel 228A at Incline Village would retain their "cut-off" status and would be permitted to amend their applications should the proposal be adopted. The proposed substitution at Carnelian Bay is sufficiently related to the South Lake Tahoe proposals to consider it in this proceeding. In summary, we are proposing to substitute Channels 230 and 275 for Channels 261A and 276A in South Lake Tahoe and modify the licenses of the South Lake Tahoe stations, substituting Channel 261A for Channel 228A at Incline Village and permit the applicants for Channel 228A to amend their applications to specify Channel 261A, and substitute Channel 279 for Channel 269A at Carnelian Bay and modify the license of Station WEZC, Carnelian Bay, to specify operation on Channel 279. However, in accordance with our policy expressed in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), the South Lake Tahoe and Carnelian Bay licenses may not be modified should another party express an interest in the Class B channels there.

5. Because all the parties subject to license modification have consented to the changes proposed in this *Further Notice*, the issuance of *Orders to Show*

*Cause* is unnecessary.

6. Accordingly, the Commission further proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Carnelian Bay, California .....	269A	279
South Lake Tahoe, California .....	261A, 276A	230, 275
Incline Village, Nevada .....	228A	261A

7. It is ordered, that the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of the *Further Notice* to Incline Broadcast Services, Inc., One East First Street, Reno, Nevada 89501, and to North Lake Tahoe Broadcasting Co., P.O. Box 3549, Incline Village, Nevada 89450, the applicants for Channel 228A at Incline Village.

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before September 28, 1981, and reply comments on or before October 19, 1981.

10. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and*

<sup>2</sup>The parties raised several substantive issues which will not be addressed in this *Further Notice*. Those issues will be analyzed and resolved in an appropriate *Order* issued at the conclusion of this proceeding.

**604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.**

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

**Appendix**

[BC Docket No. 80-522 RM-3582]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply

comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-22846 Filed 8-3-81; 8:45am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[BC Docket No. 80-567; RM-3619]

**FM Broadcast Station in Brookville and Versailles, Indiana; Proposed Changes in Table of Assignments**

**AGENCY:** Federal Communications Commission.

**ACTION:** Request for supplemental information.

**SUMMARY:** This action requests additional information from Twin Forks, Inc., petitioner in a rule making proceeding proposing the assignment of FM Channel 276A to Brookville, Indiana. Specifically, petitioner is requested to submit further information concerning its ability to provide the required city grade contour over the community of Brookville given the site restrictions on the use of Channel 276A.

**DATES:** Comments must be filed on or before September 28, 1981, and reply comments on or before October 19, 1981.

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

**FOR FURTHER INFORMATION CONTACT:** Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:**

Adopted: July 22, 1981.

Released: July 29, 1981.

By the Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Brookville and Versailles, Indiana).

1. Before the Commission is the *Notice of Proposed Rule Making*, 45 FR 64984, published October 1, 1980, proposing the deletion of Channel 276A from Versailles, Indiana, and reassignment of

that channel to Brookville, Indiana, at the request of Twin Forks, Inc. ("petitioner"). As stated in the *Notice*, Channel 276A can be assigned to Brookville with a site restriction of 11.5 kilometers (7.2 miles) northwest of the city. Petitioner filed comments in which it reiterated its interest in the channel and stated that it would apply for the channel at Brookville, if assigned.

2. An opposition to the proposal was filed by WCNB, Inc. ("WCNB"), licensee of Stations WCNB and WCNB-FM, Connersville, Indiana. In its opposition, WCNB submits a lengthy engineering report which tends to show that a city-grade signal cannot be placed over Brookville from the location chosen by petitioner for its transmitter site. This is allegedly due to the fact that Brookville is located in a valley to which line-of-sight transmission is impossible. WCNB concludes that the proposed assignment will not provide Brookville with the levels of service as required by the rules,<sup>1</sup> and should therefore not be adopted.

3. In response to WCNB's opposition, petitioner addresses the line-of-sight problems by stating that the transmitter location was chosen as the best possible site for serving Brookville and substantial portions of the surrounding area. Petitioner also states that certain assumptions made by WCNB—that the site chosen by petitioner is the only site available, that the antenna system would be authorized for 300 feet HAAT—are without basis in fact. Petitioner also contends that advanced antenna polarization techniques are effective in rugged terrain such as that found in the Brookville area.

4. Our analysis of the engineering data submitted by WCNB leads us to doubt whether a 70 dBu signal can be placed over the Brookville community given the necessary site restrictions. Although the Commission does not generally consider technical issues in the rule making context, an exception is made if it can be shown that there are no possible sites which can be utilized to provide city-grade service to the principal community to be served. *See, e.g., Attica, New York*, 54 F.C.C. 2d 1137 (1975). However, rather than denying petitioner's proposal at this stage, we believe petitioner should be given an opportunity to address our concerns. Therefore, petitioner should submit further information regarding its ability to provide a 70 dBu signal over the

<sup>1</sup> Section 73.315(a) of the Commission's Rules provides that a minimum field strength of 70 dBu must be provided over the entire principal community to be served.

community of Brookville and include in its showing specific technical data to support its conclusions.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *Note:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. It is ordered, That the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this Request for Supplemental Information to Twin Forks, Inc., c/o Richard N. Williams, Volkman, Speheger & Williams, 126 South 6th Street, Richmond, IN 47374.

7. Interested parties may file comments on or before September 28, 1981, and reply comments on or before October 19, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,  
Chief, Policy and Rules Division, Broadcast Bureau.

#### Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the

Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §§ 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-22590 Filed 8-3-81; 8:45 am]  
BILLING CODE 6712-01-M

#### 47 CFR Part 87

[PR Docket No. 81-464; FCC 81-325]

#### Amendment To Provide for the Use of Automatic Aviation Weather Reporting Systems at Certain Airports

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

**SUMMARY:** This notice proposes to amend the rules to provide for the operation of automatic aviation weather reporting systems at certain airports. This action was informally requested by the FAA after non-Government entities (i.e., airport and aircraft operators) showed an interest in the installation of these air navigation aids at airports where the Government cannot provide for such a service. The intended effects are enhanced accuracy and timeliness of pertinent weather information available to pilots.

**DATES:** Comments must be received on or before August 27, 1981, and reply comments must be received on or before September 11, 1981.

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

**FOR FURTHER INFORMATION CONTACT:** Robert H. McNamara, Private Radio Bureau, (202) 632-7175.

#### SUPPLEMENTARY INFORMATION:

Adopted: July 19, 1981.

Released: July 28, 1981.

By the Commission: Commissioner Dawson abstaining from voting.

In the matter of Amendment of Part 87 of the rules to provide for the use of automatic aviation weather reporting systems at certain airports.

1. In this notice we are proposing to provide for the use of automatic weather reporting systems at airports with no air traffic control tower and airports with part-time control towers.

#### Background

2. Currently the Federal Aviation Administration (FAA) provides an automatic terminal information service (ATIS) at many of the larger and busier airports throughout the country. Generally, this service consists of continuous transmissions of essential but routine aeronautical information such as the weather, wind, visibility, altimeter setting, runway in use and other pertinent information. ATIS relieves air traffic controllers from the necessity of making repetitive transmissions of routine information to individual aircraft on frequencies used to control air traffic.

3. At many smaller airports the FAA does not provide air traffic control

service or local air terminal information. This lack of local area information may be a significant handicap at airports which have an instrument approach capability. For example, without a local altimeter setting the minimum height above the ground to which an aircraft may descend in low visibility conditions is increased in proportion to the distance from the airport the altimeter setting is measured.<sup>1</sup>

4. In response to this problem, newly developed automatic weather reporting systems have been approved by the FAA for use at airports with no control tower and airports with only a part-time control tower.<sup>2</sup> These automatic systems will provide some of the same information that is now provided by ATIS; however, the purpose of these systems is not the same; ATIS is a labor-saving device for the controller, and the automatic weather reporting system is to provide needed information to a pilot. The FAA intends to purchase and/or install such systems at a number of airports throughout the nation. The use of automatic reporting systems will enhance the accuracy and timeliness of the information available to pilots and also save the FAA considerable resources since manual observation and reporting facilities are not required.

5. The FAA has also noted a great deal of interest on the part of non-Governmental entities (i.e., airport and aircraft operators) in installing these new air navigation aids at airports where the Government is unable to provide this service. Since there is presently no provision in the Commission rules for automatic weather reporting devices, the FAA informally requested that the rules be amended to authorize this type of service.

#### Discussion

6. In support of its request, the FAA indicated that it would make available and coordinate assignments on air traffic control frequencies in the 118-136 MHz band<sup>3</sup> for non-Government applicants seeking to operate automatic voice reporting systems. This procedure will alleviate two of the overriding concerns in the authorization of any new service, namely, the availability of suitable spectrum and potential for interference with existing services.

7. These new air navigation aids will not conflict or interfere with existing systems.

8. Regarding mode of operation, these automatic systems will continuously broadcast local weather information. Conventional transmitters type accepted by the Commission for use under Part 87 (Aviation Services) of the rules will be employed by these systems.

#### Proposal

9. We believe that automatic weather reporting systems represent an improvement in the navigation aids available to the flying public at relatively small and/or remote airports. Accordingly, we propose to amend the rules by adding a new Subpart R to part 87 to provide for the operation of automatic weather reporting systems. Essentially, the proposed new rules (1) describe the scope of service of automatic weather reporting stations; (2) state the conditions for eligibility; and (3) specify frequency assignments will be determined after coordination with the FAA.

10. Implicit in the FAA's request is the fact that only one automatic weather reporting station is needed or desired at any given airport. More than one would merely duplicate service and waste scarce spectrum. Appropriately, it would appear that eligibility to operate such a system, as stated in the proposed new rules, should be limited to the owner of an airport or a person designated by the owner. Comments on this aspect are therefore desired.

11. The proposed amendments to the Commission's rules as set forth in the attached Appendix, are issued pursuant to the authority contained in Sections 4(i) and 303 (b), (c) and (r) of the Communications Act of 1934, as amended.

12. Interested persons who desire to submit comments on these, or related matters may do so on or before August 27, 1981. Replies to any suggestions or comments may be submitted not later than September 11, 1981. In reached its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. An original and 5 copies will be furnished of all statements, briefs or comments filed in response to this Notice. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

13. For purposes of this non-restricted notice and comment rulemaking

proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.2131.

14. Use of the automatic weather reporting systems at certain airports will be strictly voluntary. The only affirmative duties imposed upon an applicant are: (1) for FAA-FCC frequency coordination purposes, the applicant must notify a Regional FAA Office prior to submission of an application, and include in the application the particular office and date notified; and (2) to determine eligibility, an applicant not an owner or operator of a landing area must submit a written agreement with the owner or operator for exclusive rights to operate and maintain the proposed system. The first duty merely requires a letter to the FAA and paragraph in the application; the second duty requires submission of what ought to be a concise exclusivity agreement. In most cases, these proposed rules will provide only a basis for marginal improvement of flight safety and efficiency. Thus, we have determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rule making proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

<sup>1</sup> See U.S. Standard for Terminal Instrument Approach Procedures (TERPS), incorporated by reference, 14 CFR 97.20.

<sup>2</sup> See FAA Advisory Circular 91-54, February 26, 1979.

<sup>3</sup> In some cases radionavigation frequencies may also be utilized.

15. For further information of this proceeding, contact Robert H. McNamara at (202) 632-7175.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricario,

Secretary.

#### Appendix

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 87—AVIATION SERVICES

1. In § 87.5 a new definition is added between the definitions of "Authorized power" and "Aviation instructional station" to read as follows:

##### § 87.5 Definition of terms.

\* \* \* \* \*

*Automatic weather reporting station.* A land station located at landing areas with no air traffic control tower or only a part-time control tower, used to automatically transmit weather information to aircraft.

\* \* \* \* \*

2. In Part 87 a new Subpart R is added to read as follows:

#### Subpart R—Automatic Weather Reporting Stations

Sec.

87.621 Scope of service.

87.623 Eligibility.

87.625 Application for frequency assignment.

#### Subpart R—Automatic Weather Reporting Stations

##### § 87.621 Scope of service.

Automatic weather reporting stations shall provide up-to-date weather information to include the time of the latest weather sequence, altimeter setting, wind speed and direction, dewpoint, temperature, visibility and other pertinent data needed at landing areas where there is no air traffic control tower or a control tower is operated only part time.

##### § 87.623 Eligibility.

(a) Only one automatic weather reporting station may be authorized at a landing area.

(b) Authorization for an automated weather reporting station will be granted only to the owner or operator of a landing area or to a person who has entered into a written agreement with the owner or operator for exclusive rights to operate and maintain the system.

(c) Where applicable a copy of the agreement between the applicant and

owner or operator of the landing area shall be submitted with an application.

##### § 87.625 Application for frequency assignment.

(a) In applying for frequency assignment for an automated weather reporting station, the applicant need not specify the proposed weather operating frequency. The frequency is determined by the Commission after coordination with other agencies of the Government. In order to facilitate frequency coordination, the appropriate Regional Office of the Federal Aviation Administration must be notified prior to submission of an application. Each application shall be accompanied by a statement showing the name of the FAA Regional Office and date notified.

(b) Normally, assignments to automatic voice reporting stations will be made from the frequencies set forth in § 87.183(i) or § 87.501.

[FR Doc. 81-22596 Filed 8-3-81; 8:45 am]

BILLING CODE 8712-01-M

#### 47 CFR Part 90

[PR Docket No. 81-417; RM-2993; FCC 81-294]

#### Inquiry Into the Need for Transmission of Call Signs by Stations in the Radiolocation Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of inquiry.

**SUMMARY:** This Notice of Inquiry requests comments concerning the station identification requirements that apply to stations in the Radiolocation Service. Radiolocation is the determination of distance, position or speed by means of radio. The Commission has received a petition for rulemaking contending that the current requirements is burdensome and ineffective. The Commission is instituting this inquiry into the issues the petition raises in order to get enough information to decide whether a rule change is warranted.

**DATE:** Comments are due by August 13, 1981 and replies by August 28, 1981.

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

**FOR FURTHER INFORMATION CONTACT:** Neal Goldfarb, Rules Division, Private Radio Bureau (202) 634-2443.

##### SUPPLEMENTARY INFORMATION:

Adopted: June 30, 1981.

Released: July 14, 1981.

By the Commission: Commissioners Fogarty and Jones absent.

In the matter of inquiry into the need for the transmission of call signs by stations in the Radiolocation Service; notice of inquiry.

1. Offshore Navigation, Inc., has petitioned the Commission to institute a rulemaking to delete the current Commission requirement<sup>1</sup> that radiolocation stations operating below 3400 kHz transmit a station identification at the beginning and end of each transmission. We do not grant or deny that petition at this time. Rather, we are instituting an Inquiry into the questions the petition raises.

#### Background

2. Radiolocation stations are primarily used for positioning purposes (for example, to locate sites for drilling offshore oil wells, to crop spray, etc.). The systems are essentially phase comparison systems. If a ship carrying a receiver starts from a known location, it can determine its position relative to each of two fixed transmitters by counting the number of wavelengths it has moved. Once these relative positions are known, absolute position can be determined by triangulation. One characteristic of radiolocation is especially relevant here. Accurate counting of wavelengths (known in the industry as "lanes") depends on continual reception of the signals. Interruption of reception can mean loss of lane count and thus loss of position information. One of the occurrences that can cause such interruption is transmission of a call sign.

3. Generally, licensees in the Private Land Mobile Services (of which the Radiolocation Service is part) must transmit their call signs periodically during periods of continuous operation. 47 CFR 90.425. In recognition that applying this requirement to the Radiolocation Service could mean the disruption of radiolocation operations, the Commission adopted a special rule for this service.<sup>2</sup> Radiolocation stations operating on frequencies above 3400 kHz ordinarily need not identify themselves at all, and those operating on frequencies below 3400 kHz need only identify themselves at the beginning and end of each period of

<sup>1</sup> 47 CFR § 90.425(c).

<sup>2</sup> International Telecommunications Union Regulations, Article 19, Section 1, paragraph 1, prohibit transmissions without identification. A footnote to that Regulation notes, however: "In the present state of the technique, it is recognized nonetheless that the transmission of identifying signals for certain radio systems (e.g., radiodetermination, radio relay systems and space systems) is not always possible."



operation. 47 CFR 90.425(c).<sup>3</sup> This approach was followed because:

\* \* \* It is most important that the Commission be able to identify the stations with a reasonable expenditure of time and effort when stations operate on frequencies that may cause interference to priority operations in this and other countries. . . . The identification is considered the minimum that will serve Commission purposes and should not cause interruption of service with possible loss of lane count or other possible problems or inconveniences that would be present if periodic identification was required.

Industrial Radiolocation Service, 5 FCC 2d 197, 200 (1966).

4. On November 1, 1977, Offshore Navigation, Inc., (ONI) petitioned the Commission to reexamine the identification rules applicable to radiolocation stations and to eliminate the requirement to identify radiolocation stations operating below 3400 kHz. ONI operates a number of radiolocation systems on frequencies below 3400 kHz. In support of its petition it argues that since radiolocation transmitters often operate continuously for months or even years, the current identification requirement is ineffective at achieving its purpose. Given long-term operation, the transmission of the call sign only at the start and stop of operation is of no help in identifying the source of any interference that might occur, ONI maintains. If interference occurs, the recipient usually cannot afford to wait until the station ID is transmitted months later, ONI points out. Rather, he must find out its source and try to eliminate the problem immediately.

5. In response to inquiries from the Commission staff, ONI further argued that a separate transmitter must sometimes be used to transmit the station ID, and contended that this burden is not justified in light of the ineffectiveness of the current identification requirement. ONI expressed doubt that an effective identification scheme could ever be developed, contending that any identification-transmission system

<sup>3</sup> While the Report and Order accompanying the promulgation of these rules does not explain the rationale behind distinguishing between stations above and below 3400 kHz, the justification for the distinction is apparent. The lowest frequency allocated to radiolocation above 3400 kHz is 420 Mhz. The range of transmission at 420 Mhz and above is limited to line-of-sight; the range of transmissions at 3400 kHz and below, on the other hand, is far greater. Since the threat of harmful interference from radiolocation stations is much more pronounced at frequencies below 3400 kHz., it is at those frequencies that we have required station identification. Additionally, the characteristics of propagation at the higher frequencies are such that the source of interference can be more readily determined without knowing the interfering station's call sign.

compatible with radio-location transmitter design would be difficult for third parties to intercept and interpret. Finally, ONI contends that in any event, interference caused by radiolocation transmissions is not a significant problem, and that the burdensome identification requirement should not be retained in the absence of a clear public interest purpose.

6. Four parties<sup>4</sup> filed comments on ONI's petition. All supported ONI's Petition for Rulemaking. One of these parties contended that if interference does occur, its source can be determined without the transmission of the station's call sign.<sup>5</sup>

#### Discussion

7. The present identification requirement is a compromise. Radiolocation transmissions were excepted from the normal requirement of periodic identification because given then-existing technology, periodic identification caused the disruption of radiolocation operations. However, the requirement to identify only when transmission begins and ends is not as effective in eliminating interference problems as a requirement of periodic identification would be. ONI's criticism of our Rule would therefore appear to have merit.

8. We are also mindful that the Federal Government radiolocation stations operating in this band do not identify, and that the equipment manufactured for these users is the same as that used by licensees such as ONI. Nevertheless, there have been instances of interference to the operations of other licensees, and to the extent that an identifying signal is given, the elimination of this interference is facilitated. We do not know how effective or ineffective the existing rule really is. It may well work in the case of interference caused by repeated short-term radiolocation operations. Nor do we know, for example, whether technology has now advanced to the point where periodic identification can be transmitted without disrupting radiolocation operations. On the other hand, ONI's argument that the requirement is useless and onerous may be correct. Without more extensive

<sup>4</sup> Decca Survey Systems, Inc.; Lorac Services Corp; Odom Offshore Surveys, Inc.; and Teledyne, Inc.

<sup>5</sup> This contention is at odds with the finding we made when we promulgated the current rule. We stated: "(I) has been found that the emissions are not sufficiently characteristic to permit suitable identification by that means." *Industrial Radiolocation Service*, 5 FCC 2d 197, 200 (1966). Additionally, we have records of instances in which the source of interference attributed to radiolocation operations has not been identifiable.

information, we simply cannot tell whether the public interest lies in (1) tightening the rules and conforming the identification requirements for radiolocation devices with those applicable generally under Part 90, (2) retaining the present rules with their separate approaches, or (3) relaxing the rules to eliminate the station identification requirements for radiolocation stations operating below 3400 kHz. In our view, the public interest considerations of these various courses of action require further examination. Therefore, we feel the best course is to institute an Inquiry into these issues.

9. Accordingly, the Commission gives Notice of Inquiry into the desirability of amending the station identification requirements applicable to radiolocation systems. We particularly invite comment on the following issues:

How widespread has interference caused by Radiolocation transmission been? Who has been the victim of such interference? What has the interference cost its victims?

How do radiolocation systems transmit the station identification now? What costs are associated with transmitting the identification? What savings would result if the identification requirement were deleted?

How long do radiolocation transmissions last? If durations vary, how frequent are operations of each duration?

Is any existing radiolocation equipment capable of periodic identification without disrupting radiolocation operations? If not, how easily could such equipment be developed? What would it cost to develop such equipment? If such equipment were developed, what would it cost individual licensees and the industry as a whole to make the transition?

Is the source of radiolocation signals identifiable without the transmission of a station identification? If so, how?

Can the identification signals transmitted in connection with radiolocation operations readily be received and interpreted? If not, why not?

10. Authority for issuance of this Notice of Inquiry is contained in Sections 4(i), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 403. Pursuant to the procedures set out in Section 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before August 13, 1981, and reply comments on or before August 28, 1981. All relevant and timely comments will be considered by

the Commission before final action is taken in this proceeding. The Commission may also consider relevant material in addition to the specific comments received in making its decision in this proceeding.

11. In accordance with the provisions of Section 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. For further information on this proceeding, contact Neal Goldfarb, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 202-634-2443.

Federal Communications Commission.

William J. Tricarico,  
Secretary.

[FR Doc. 81-22829 Filed 8-3-81; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 661

#### Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California

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

**ACTION:** Notice of preliminary determinations.

**SUMMARY:** The Director, Northwest Region, (Regional Director) National Marine Fisheries Service, (NMFS), has reviewed coho harvests to date by the ocean commercial and recreational fisheries in that portion of the Oregon Production Index area, (OPI), from Cape Falcon, Oregon, southward. Based on this review he has made a preliminary projection of the total ocean harvests of coho for the OPI area during the 1981 season. This review is required by the 1981 amendment to the fishery management plan (FMP) for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington,

Oregon, and California, and the emergency regulations that implement the 1981 amendment.

**DATES:** Public comments on the preliminary projections in this notice are invited until August 7, 1981.

**ADDRESS:** Comments should be sent to: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, N.E., BIN C15700, Seattle, Washington 98115.

**FOR FURTHER INFORMATION CONTACT:** H. A. Larkins, 206-527-6150.

**SUPPLEMENTARY INFORMATION:** The emergency regulations implementing the 1981 FMP amendment at 50 CFR 661, were published in the Federal Register (46 FR 30633) and became effective on June 5, 1981. The emergency regulations were extended for an additional 45 days through September 3, 1981 (46 FR 37705). These regulations specify in § 661.12(b)(2) that within 24 days following the opening of an all-salmon-species season in Subareas A or B, or the closest working day following, the Regional Director shall, based on current catch data, make a preliminary projection of total ocean harvests that will occur by the end of the commercial and recreational salmon fishing seasons. The all-salmon-species season in Subarea B opened on July 1, 1981.

Within 40 days following the opening of the all-salmon species season in Subarea B, or on or before August 9, additional data concerning ocean coho fisheries will be considered in reviewing the preseason estimates of coho salmon abundance estimates in relation to the catch data available at that time and the projected catch in Subareas B and C during the remainder of the season. On August 9, or the closest working day following, the Regional Director, after consulting with the Chairman of the Pacific Fisheries Management Council, the Director of the Washington Department of Fisheries, and the Director of the Oregon Department of Fish and Wildlife, shall consider all information received at that time, shall estimate coho stock abundance in Subareas B and C, and shall make a final projection of fishing effort and total coho harvest to the end of the scheduled fishing season.

If, based on the final projection and of any other relevant data received by that time, the Regional Director determines that (1) actual condition of abundance and distribution of coho salmon and of fishing effort and catches differ from conditions anticipated prior to the opening of the fishing season, or (2) inseason modifications are reasonably

necessary to provide adequate escapement of coho salmon from the ocean fisheries for spawning to maintain the historical harvest ratio between commercial and recreational coho fisheries (71 percent for commercial trollers, 29 percent for recreational fishermen) he may modify the open season or catch limits as necessary in Subarea B. Such action will be taken by publication in the Federal Register as soon as practicable after August 9 and by dissemination to the public news media.

#### Coho Harvest to Date

An estimated 197,000 coho have been harvested by the ocean fisheries in Subareas B and C as of mid-July, 1981 (the latest date for which data are available). Of these about 50,000 coho were caught by the recreational fishery, 3,000 of California and 47,000 off Oregon. Of the estimated 147,000 coho caught by the commercial trollers, 26,000 were caught off California and 121,000 off Oregon. The 147,000 caught by the troll fishery to about mid-July compares with 14,673 and 445,635 caught by corresponding dates in 1980 and 1979. The 1980 catch was low because the all-species-salmon did not open off Oregon until July 15 in 1980. The 50,000 caught by the recreational fishery to mid-July this season compares with 218,983 and 81,099 caught to corresponding dates in 1980 and 1979.

#### Effort data

Commercial fishing effort this season in California appears to be comparable to 1980 but is about 14% below 1979 in the area north of Point Arena. South of Point Arena, commercial effort is 38% below 1980 and 15% below 1979. For Oregon south of Cape Falcon, troll effort is well below 1979. It is above 1980 because the all-species-salmon season was delayed that year until July 15.

Recreational fishing effort is down considerably from 1980 in California, both north (41%) and south (23%) of Point Arena. Recreational effort off Oregon is 29% below 1980 but about comparable to 1979.

#### Preliminary Projections for the Season

Based on current catch and effort information and on catch and effort patterns for the fisheries in recent years, it appears that the recreational harvest in Subareas B and C may not exceed 100,000 coho at the end of the regularly scheduled season. The commercial fishery probably will not exceed 400,000 coho. Both commercial and recreational harvests most probably will fall short of the harvest guidelines for Subareas B

and C which are 224,000 for the recreational fishery and 548,000 for the commercial fishery. These projections are based on the assumption that preseason predictions of coho abundance are valid and that catch and effort follow historical patterns. There is insufficient information at this time to determine the accuracy of these assumption. A number of other factors were not considered in these projections that could alter the harvest for the remainder of the season. These include fishing days lost due to inclement weather and the availability of albacore tuna as an alternative to salmon fishing.

#### Comments and Subsequent Actions.

In accordance with § 661.12(b)(6) of the emergency regulations, the Regional Director finds that public comment on these preliminary projections for a period ending 10 days following filing with the Federal Register would be in the best interest of the public and the resource. Relevant data on which these preliminary projections are based may be reviewed at the office of the Regional Director (address above) during the comment period.

As a result of comments received during the public comment period and

the updated information available on August 9, the Regional Director will consider the need for inseason modifications of the Subarea B open fishing seasons and catch limits and will, as soon as practicable, publish in the Federal Register either (a) a notice of inseason modifications or (b) a notice of no change in the regulations.

(16 U.S.C. 1801 et seq)

Dated: July 30, 1981.

Robert K. Crowell,  
*Acting Executive Director, National Marine Fisheries Service.*

[FR Doc. 81-22856 Filed 7-31-81; 9:42 am]

BILLING CODE 3510-22-M

# Notices

Federal Register

Vol. 46, No. 149

Tuesday, August 4, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### Mediterranean Fruit Fly Eradication Program; Supplement on Environmental Assessment

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of availability of a supplement to the environmental assessment on the Mediterranean Fruit Fly Eradication Program.

**SUMMARY:** This gives notice that the Animal and Plant Health Inspection Service (APHIS) has prepared a supplement to the environmental assessment to include diazinon as a soil drench treatment for control of the Mediterranean Fruit Fly. On the basis of that supplement, APHIS has determined that no significant impact will result from the use of diazinon as a control treatment.

**ADDRESSES:** Requests for copies of the supplement to the environmental assessment should be addressed to: Pest Program Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 630 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; or the Mediterranean Fruit Fly Project Headquarters, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Ralph Berry School, 14855 Oka Street, Los Gatos, CA 95030.

**FOR FURTHER INFORMATION CONTACT:** Ed L. Ayers, Jr., Staff Officer, Pest Program Development Staff, PPQ, APHIS, USDA, Room 630 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8745.

**SUPPLEMENTARY INFORMATION:** An environmental assessment of the alternatives available for the Mediterranean Fruit Fly Eradication Program was prepared by APHIS and the California Department of Food and Agriculture. The environmental assessment was made available to the public by notification in the Federal Register (46 FR 22403-22404) on April 17, 1981. On the basis of the assessment, APHIS determined that no significant impact to the quality of the human environment would result from the implementation of any of the identified alternatives. The notice of finding of no significant impact was published in the Federal Register (46 FR 36281-36283) on July 14, 1981.

The eradication program consists of various components which includes the ground application of soil drench treatments inside the drip line of host plants. For this type of treatment, fenthion had been used. The use of fenthion was discontinued on February 25, 1981 since tests have shown that it was of marginal effectiveness when used to treat the infestation in Alameda and Santa Clara Counties. Apparently soil type and high pH causes fenthion to undergo a rapid hydrolysis. Field tests with several chemicals conducted in 3 different time periods, January to March 1981, showed that diazinon when used as a soil drench treatment for the control of Medfly outperformed the other materials in terms of lowest effective dosage and residual activity.

On June 29, 1981, under the provisions of Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, diazinon was authorized as a soil drench treatment for the control of Medfly in California. Diazinon is applied with low-pressure hydraulic equipment as a soil drench inside the drip line of host plants. The drench is applied at the rate of 5 lbs. active ingredient per acre at 14- to 16-day intervals at a maximum of three times. An inspector remains at the site until the liquid is absorbed into the soil. Residues of diazinon in or on fruit from trees treated according to these provisions should not exceed 0.75 ppm. The use of diazinon will not change the environmental impact of the program.

Done at Washington, D.C., on this 30 day of July 1981.

**H. L. Ford,**

*Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.*

[FR Doc. 81-22652 Filed 8-3-81; 8:45 am]

**BILLING CODE 3410-34-M**

## Forest Service

### Coconino National Forest Grazing Advisory Board; Meeting

The Coconino National Forest Grazing Advisory Board will meet at 1:30 p.m., September 4, 1981 at the Coconino National Forest Supervisor's Office, 2323 E. Greenlaw Lane, Flagstaff, Arizona.

The purpose of the Meeting is to:

1. Review Minutes of the September 5, 1980 Meeting.

2. Prepare written recommendations regarding:

a. F.Y. 1984 Range Betterment Program.

b. Review Cononino National Forest Land and Resource Management Planning.

c. Review revised Southwestern Region Allotment Analysis Handbook.

The Meeting is open to the public.

Dated: July 28, 1981.

**Neil R. Paulson,**

*Forest Supervisor.*

[FR Doc. 81-22606 Filed 8-3-81; 8:45 am]

**BILLING CODE 3410-11-M**

## Rural Electrification Administration

### Basin Electric Power Cooperative, Bismarck, North Dakota; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of \$4,967,000 to Basin Electric Power Cooperative of Bismarck, North Dakota. These loan funds will be used to finance modifications to the existing William J.

Neal generating station to permit the utilization of sunflower seed hulls as a supplemental boiler fuel and to provide cogeneration of process steam.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. James L. Grahl, General Manager, Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota 58501.

In order to be considered, proposals must be submitted on or before September 4, 1981, to Mr. Grahl. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Basin Electric Power Cooperative and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 30th day of July 1981.

Joe S. Zoller,

*Acting Administrator, Rural Electrification Administration.*

[FR Doc. 81-22650 Filed 8-3-81; 8:45 am]

BILLING CODE 3410-15-M

### Colorado-Ute Electric Association, Inc.; Intent to Hold Public Comment Meetings

Notice is hereby given that the Rural Electrification Administration (REA) intends to hold public comment meetings in connection with the Draft Environmental Impact Statement (DEIS) for the Rifle-San Juan double circuit 345 kV transmission line and associated facilities. The DEIS was prepared in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with financing assistance to Colorado-Ute Electric Association, Inc., for the construction of the proposed project.

The public comment meetings will be held in the following locations:

August 11, 1981, 7:30 p.m.: Durango

Senior High School Auditorium, 2400 Main Avenue, Durango, Colorado 81301

August 12, 1981, 7:30 p.m.: City Hall Council Chambers, 800 Municipal Drive, Farmington, New Mexico

August 13, 1981, 7:30 p.m.: Colorado-Ute Electric Association Auditorium, 1845 South Townsend, Montrose, Colorado

The purpose of these meetings is to receive comments concerning the environmental impacts of the proposed project and the adequacy of the DEIS. A record will be made of the meetings and comments received will be addressed in the Final Environmental Impact Statement.

REA encourages the general public to attend these public comment meetings and provide their input. Any person or group which desires to place its comments, questions or recommendations in writing, may do so either at the meetings or by submitting them to REA by August 24, 1981.

Comments may be sent to the Director, Power Supply Division, Room 5168, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Requests for additional information or questions concerning the meetings may also be directed to Colorado-Ute, P.O. Box 1149, Montrose, Colorado 81401.

The program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 29th day of July 1981.

Joe S. Zoller,

*Acting Administrator, Rural Electrification Administration.*

[FR Doc. 81-22651 Filed 8-3-81; 8:45 am]

BILLING CODE 3410-15-M

### COMMISSION ON CIVIL RIGHTS

#### Massachusetts Advisory Committee; Meeting Changed

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a consultation of the Massachusetts Advisory Committee of the Commission originally scheduled to convene at 1:00p and end at 5:00p on August 20, 1981, at Boston, Massachusetts, (FR Doc. 81-19577 on page 34612) has been changed.

The meeting now will be held on August 20, 1981, beginning at 10:00a and will end at 5:00p, at the John F. Kennedy Federal Building, Room 1507, Government Center, Boston, Massachusetts 02203.

Dated at Washington, D.C., July 29, 1981.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 81-22598 Filed 8-3-81; 8:45 am]

BILLING CODE 6335-01-M

### DEPARTMENT OF COMMERCE

#### International Trade Administration

#### Perchloroethylene From Italy; Preliminary Results of Administrative Review of Antidumping Finding

**AGENCY:** Department of Commerce, International Trade Administration.

**ACTION:** Notice of preliminary results of administrative review of antidumping finding.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on perchloroethylene from Italy. The review covers the two known exporters of this merchandise to the United States and the period May 1, 1980 through April 30, 1981. The review disclosed no shipments to the U.S. of this merchandise from Italy during this period. There are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits equal to the calculated margins in the last known shipments. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** August 4, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Arthur N. DuBois or John Kugleman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3814/5289).

#### SUPPLEMENTARY INFORMATION:

#### Procedural Background

On December 5, 1980 the Department published in the *Federal Register* (45 FR 80571) the final results of its first administrative review of the antidumping finding on perchloroethylene from Italy (44 FR 29046, May 18, 1979). The Department announced in the *Federal Register* of March 16, 1981 (46 FR 16921) its intent to conduct the next administrative review by the end of May, 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review of the finding on perchloroethylene from Italy.

### Scope of the Review

The imports covered by this review are perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet odor and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for dry cleaning of clothing, but is also used in other applications such as vapor degreasing of metals. Perchlorethylene is currently classifiable under item 429.3400 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only two Italian producers or exporters of perchlorethylene to the United States. Those firms are Rumanca, S.p.A. and Montedison, S.p.A. The review covers the period May 1, 1980 through April 30, 1981. There were no known shipments to the United States during the review period and there are no known unliquidated entries.

### Preliminary Results of the Review

As required by 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 37.8 percent of the entered value in the case of Rumanca and 29 percent of the entered value in the case of Montedison, based on the fair value weighted-average margin for each firm, shall be required on all shipments of perchlorethylene from Italy entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results on or before September 3, 1981 and may request disclosure and/or a hearing on or before August 19, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

July 29, 1981,

Gary N. Horlick,

*Deputy Assistant Secretary Import Administration.*

[FR Doc. 81-22567 Filed 8-3-81; 8:45 am]

BILLING CODE 3510-25-M

### National Technical Information Service

#### U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commission of Patents & Trademarks, Washington, DC 20231, for \$5.00 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$5.00 each (\$10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

*Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.*

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent application 6,175,541: Method for Detecting the Presence of a gas in an Atmosphere; filed August 5, 1980

Patent application 6,192,669: High Altitude Platform Air Drop System; filed October 1, 1980

Patent application 6,198,322: Laser Doppler Attitude Measurement; filed October 20, 1980

Patent application 6,200,664: High Peak Power, High PRF Laser System; filed October 27, 1980

Patent application 6,201,678: Tow-Degree-of-Freedom Gyro with Radiant Energy Pickoffs; filed October 29, 1980

Patent application 6,202,811: Method and Device for Producing Nuclear Fusion; filed October 31, 1980

Patent application 6,204,744: Flow Compensated Gas Comparison Probe; filed November 7, 1980

Patent application 6,216,232: High Speed Rectangle Function Generator; filed December 15, 1980

Patent application 6,216,417: Switch Actuator; filed December 15, 1980

Patent application 6,217,361: Optical Dosimeter; filed December 17, 1980

Patent application 6,217,890: Domed Environmental Protective Cover for Rocket Systems; filed December 18, 1980

Patent application 6,218,597: Rocket Motor Igniter for Precision Centroid of Thrust; filed December 19, 1980

Patent application 6,220,474: Hypersonic Wedge Nozzle for Chemical Lasers; filed December 29, 1980

Patent application 6,224,603: Thyatron Switch for Narrow Pulses; filed January 12, 1981

U.S. Department of Agriculture, Program Agreements and Patents Branch, Administrative Service Division Federal Building, Science and Education, Hyattsville, MD 20782

Patent 4,255,149: Abrasion Resistance and Strength of Cotton-Containing Fabric made Resilient with N-Methylolacrylamide-Type Reagent; filed January 31, 1979; patented March 10, 1981; not available NTIS.

Patent 4,260,638: Method of Peeling Fruits and Vegetables with Carboxylic Acids; filed December 13, 1979; patented April 7, 1981; not available NTIS

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent 4,262,194: High Resolution Electron Microscope Cold Stage; filed December 18, 1979; patented April 14, 1981; not available NTIS

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6,214,8: Rotating Squid Magnetometers and Gradiometers; filed December 10, 1978

Patent application 6,224,711: Electronic Score Pad; filed January 12, 1981

Patent application, 6,232,444: Controlled Porosity Sheet for Thermionic Dispenser Cathode and Method of Manufacture; filed February 6, 1981

Patent 4,246,780: Force Sensing System; filed April 30, 1979; patented January 27, 1981; not available NTIS

Patent 4,252,285: Dynamic Seal for Slotted Cylinder; filed April 30, 1979; patented February 24, 1981; not available NTIS

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-4, Washington, DC 20546

Patent application 6,224,232: Dual Laser Optical System and Method for Studying Fluid Flow; filed January 12, 1981

Patent application 6,229,239: A Cycling Joule Thomson Refrigerator; filed January 28, 1981

[FR Doc. 81-22558 Filed 8-3-81; 8:45 am]

BILLING CODE 3510-04-M

### New England Nuclear Corp.; Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of

Commerce, intends to grant to New England Nuclear Corporation a limited exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Irreversible Anti-Glucocorticoids."

The invention is protected by U.S. Patent Application No. 6-145,350 (dated April 30, 1980). Copies of the application may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention will be transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the Federal Register (46 FR 70958, October 7, 1980) and in *Government Inventions for Licensing* (October 27, 1980). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent application. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of first commercial sale. The terms and conditions of the licenses will comply with 35 U.S.C. 209 (Pub. L. 96-517) and 41 CFR 101-4.1.

The proposed license may be granted unless, within sixty days from the date of publication of this Notice, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments, and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: July 29, 1981.

Douglas J. Campion,  
Liaison Officer.

[FR Doc. 81-22607 Filed 8-3-81; 8:45 am]

BILLING CODE 3510-04-M

#### **Purdue University Research Foundation; Grant of Limited Exclusive Patent License**

Notice is hereby given that the National Technical Information Service (NTIS), U.S. Department of Commerce, granted to the Purdue University Research Foundation a limited exclusive right in the United States to make and have made by the licensed process and to use and sell products embodied in the U.S. Patent 4,246,310 (dated January 20, 1981), "High Performance Structural Particleboard."

The limited exclusive license with a right to sublicense granted by NTIS will be revocable, if after five years the products embodied in the invention have not been made commercially available to the public in accordance with 41 CFR 101-4.1.

Dated: July 29, 1981.

Douglas J. Campion,  
Liaison Officer.

[FR Doc. 81-22608 Filed 8-3-81; 8:45 am]

BILLING CODE 3510-04-M

## **DEPARTMENT OF DEFENSE**

### **Department of the Air Force**

#### **USAF Scientific Advisory Board; Meeting**

July 27, 1981.

The USAF Scientific Advisory Board Arnold Engineering Development Center Advisory Group will meet on September 1, 1981 from 8:30 a.m. to 4:00 p.m. and on September 2, 1981 from 8:30 a.m. to 2:00 p.m. at Arnold Air Force Station, Tennessee. The Group will review selected Air Force Ground Test Facilities Requirements and Programs.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

Carol M. Rose,  
Air Force Federal Register Liaison Officer.

[FR Doc. 81-22612 Filed 8-3-81; 8:45 am]

BILLING CODE 3910-01-M

### **Department of the Army**

#### **Remotely Piloted Vehicle System; No Significant Environment Impact**

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice of finding of no significant impact.

#### **FOR FURTHER INFORMATION CONTACT:**

Col. Robert D. Evans, DRCPPM-RPV, AVRADCOM, 4300 Goodfellow Blvd. St. Louis, MO 63120; telephone (314) 264-1334/1333.

**NOTICE:** An Environmental Assessment for the development, testing, operation and maintenance of the Remotely Piloted Vehicle System has been prepared. This assessment is available for public review at the office of the Project Manager for Tactical Airborne Remotely Piloted Vehicle/Drone Systems (address above).

This project involves the development, production, and deployment of a small unmanned air vehicle which performs target acquisition, designation, aerial reconnaissance, and artillery adjustment missions. Testing will start at Ft. Huachuca, Arizona in September 1981. Production of the RPV system will result in deployment to, and operation within, geographic locations worldwide.

The Environmental Assessment indicates this project is not a major Federal action; it will have an insignificant affect upon the quality of the human environment. Therefore, it has been determined that an Environmental Impact Statement is not required.

This determination was based upon consideration of the following factors which are discussed in detail in the Environmental Assessment: (a) There are no significant environmental impacts identified in the assessment, (b) there will be no irreversible or irretrievable loss of resources, (c) there is no threat to plants or animals within the project areas.

The Department of the Army will receive comments on this action until September 3, 1981. Comments should be directed to Colonel Robert D. Evans at the address shown above.

Dated: July 27, 1981.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health, OASA (LE&M).

[FR Doc. 81-22610 Filed 8-3-81; 8:45 am]

BILLING CODE 3710-08-M

#### **Advisory Committee; United States Army Ad Hoc Cost Discipline Advisory Committee**

Under the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the United States Army Ad Hoc Cost Discipline Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The nature and purpose of the United States Army Ad Hoc Cost Discipline Advisory Committee is to develop independent recommendations for Army management processes which will contribute to controlling the cost of U.S. Army weapon systems, services and supplies. The committee is to be composed of non-DOD experts in financial management and systems acquisition. The purposes of the Committee are to review current and proposed Army management processes, to evaluate each as to potential for solving cost growth problems, and to recommend alternative processes, if required.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Wilson, Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), Pentagon, Washington, D.C. 20301, telephone 202-695-4281.

M.S. Healy,

*OSD Federal Register Liaison Officer,  
Washington Headquarters Services,  
Department of Defense.*

July 30, 1981

[FR Doc. 81-22686 Filed 8-3-81; 8:45 am]

BILLING CODE 3710-06-M

### Corps of Engineers, Department of the Army

#### Taylor Draw Reservoir, Colo.; Intent To Prepare Draft Environmental Impact Statement

In the matter of intent to prepare draft environmental impact statement (DEIS) for proposed Taylor Draw Reservoir on the White River, five miles upstream of the town of Rangley in Rio Blanco County, Colorado.

**AGENCY:** Army Corps of Engineers, DOD.

**ACTION:** Notice of Intent to prepare a draft EIS.

**SUMMARY:** The Water Users Association No. 1 of the Colorado River Water Conservation District applied for a Department of Army permit (No. 7277, dated 6 October 1980) to place fill material in the White River for construction of a 13,800 acre-foot reservoir with a surface area of about 570 acres. When full, the reservoir would be about four miles in length and ¼ mile wide. The minimum pool volume would be 1,950 acre-feet with a surface area of 227 acres. In addition to construction of the dam, approximately 3,100 lineal feet of State Highway 64 would be relocated. The application was filed pursuant to Section 404 of the Clean Water Act (33 USC 1344). The

purpose of the project is to provide a regulated municipal, industrial, and agricultural water supply, reduction of flooding in the town of Rangley, and lake-oriented recreation.

**ALTERNATIVES:** The alternatives being considered at this time are:

1. Taylor Draw Reservoir as proposed by the applicant.
2. Smaller reservoir at the same location.
3. Larger reservoir at the same location.
4. Reservoir upstream of the applicant's proposed site.
5. Groundwater wells to supply the water needs of the town of Rangley.
6. Infiltration galleries to supply the water needs of the town of Rangley.
7. No action.

Consurately with this notice, the Sacramento District is issuing a public notice to initiate the scoping process. The public notice will be sent to all known, interested parties, and will request that the reviewers provide comments on the topical scope, alternatives, and major issues to be covered in the EIS. We intend to accomplish the scoping process in this manner; however, if it is perceived that this method is not adequate, the need for public scoping meetings will be considered.

The significant issues which have been identified to date and which will be analyzed in the EIS are:

1. The town of Rangley's need for a municipal water supply.
2. Flood control.
3. Effects on existing recreation and proposed development of recreational opportunities.
4. Effects on wetlands.
5. Effects on threatened and endangered species.
6. Effects on cultural resources.
7. Effects on prime farmlands.
8. Effects on water quality.
9. Effects on flow reductions and water temperature modifications.
10. Effects on the social and economic character of the area.

We estimate the draft EIS will be made available to the public in February 1982.

Questions concerning the proposed action and EIS should be directed to Mr. Jim Gibson, Regulatory Section, U.S. Army Corps of Engineers, 650 Capitol Mall, Sacramento, California 95814, telephone (916) 440-2541 (FTS 448-2541).

Paul F. Kavanaugh,  
*Colonel, Corps of Engineers, Commander and District Engineer.*

July 21, 1981.

[FR Doc. 81-22599 Filed 8-3-81; 8:45 am]

BILLING CODE 3710-GH-M

### DEPARTMENT OF EDUCATION

#### Office of Elementary and Secondary Education

#### Consumers Education Program

**AGENCY:** Department of Education.

**ACTION:** Notice of cancellation of grant awards for fiscal year 1981.

**SUMMARY:** This Fiscal Year 1981 appropriation for the Consumers' Education Program is \$1,356,000 which will be used to support ongoing and new contracts. No grants will be awarded.

**SUPPLEMENTARY INFORMATION:** A notice in the Federal Register on October 7, 1980 (45 FR 66564) invited applications for grant awards under the Consumers' Education Program for Fiscal Year 1981. Funds available were estimated at \$3,617,000, the same amount appropriated for FY 1980. The closing date for receipt of applications was February 2, 1981. Six hundred sixty-five applications were received amounting to a total request of \$46,759,037.

All applications were reviewed, scored, and placed in rank order. In early May, a slate of the 50 top-ranking applications was recommended for funding. No further action could be taken until an appropriation was approved by the Congress. On June 5, 1981, legislation (Publ. L. 97-12) was enacted appropriating \$1,356,000 for the Consumers' Education Program, \$2,261,000 less than the amount that had been anticipated when applications were invited. The legislation which authorizes this program provides for both grant and contract awards.

In general, demonstration grants support projects originating in the field while contracts finance project activities initiated by the Government. The Consumers' Education Program has allocated between 20-30 percent of its appropriation each year to contracts for activities designed to serve consumer educators nationally. These contracts usually finance on-going activities that require more than the 12 months of support normally allowed for grants.

Current contract obligations for Fiscal Year 1981 total \$1,045,800, leaving \$310,200 that could be used to support a very limited grant program of six awards. However, the Secretary has determined that a meaningful demonstration grant program cannot be carried out with such limited representation and has cancelled that grant component of the program. Consequently, funds will be used to supplement the contract activities of the program.



**FOR FURTHER INFORMATION CONTACT:**

Dr. Dustin W. Wilson, Jr., Director, Consumers' Education Program, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 1638, Donohoe Building), Washington, D.C. 20202. (202) 426-9303.

(Catalog of Federal Domestic Assistance Number 84.082, Consumers' Education Program)

Dated: July 29, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-22662 Filed 8-3-81; 8:45 am]

BILLING CODE 4000-01-M

**DEPARTMENT OF ENERGY****Economic Regulatory Administration**

[ERA Docket No. 81-26-NG]

**Natural Gas Imports; Transcontinental Gas Pipe Line Corp. Application To Amend Authorization To Import Natural Gas From Canada**

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of application to amend authorization to import natural gas from Canada.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the receipt, on June 18, 1981, of the application of Transcontinental Gas Pipe Line Corporation (Transco) to amend an existing authorization in order to import up to 75,000 Mcf of natural gas per day and up to 22,000,000 Mcf per year into the United States from Canada during the period from November 1, 1982 through October 31, 1983.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

**DATES:** Protests or petitions to intervene are to be filed no later than 4:30 p.m. on August 19, 1981.

**FOR FURTHER INFORMATION CONTACT:**

J. Ellen Brown, (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street N.W., Room 7108, RG-13, Washington, D.C. 20461, (202) 653-3286.

Patricia J. Neel (Office of the General Counsel, Natural Gas and Mineral Leasing), Department of Energy, 1000 Independence Avenue, S.W., Room 6E-042, GC-15, Washington, D.C. 20585, (202) 252-6667.

**SUPPLEMENTARY INFORMATION:** On March 26, 1979, Transco filed an application to import up to 75,000 Mcf of natural gas per day and 22,000,000 Mcf per year in the period beginning with first deliveries and ending on October 31, 1981. The application was filed pursuant to the Gas Sale Contract between Transco and Sulpetro Limited (Sulpetro) of Calgary, Alberta, Canada, dated January 10, 1979, which provided for the delivery of a total volume of 66,000,000 Mcf of gas. On November 20, 1979, Transco and Tennessee Gas Pipeline Company (Tennessee) filed an amendment to the initial application, adding Tennessee as a purchaser and importer of fifty percent of the gas to be imported and extending the term of the contract to November 1, 1982. On July 7, 1980, ERA authorized the import in DOE/ERA Opinion and Order No. 17, issued in ERA Docket No. 79-08-NG.

Transco states that because deliveries under the Gas Sale Contract did not begin until August 1980, delivery of the total contract volume of 66,000,000 Mcf will not be possible by November 1, 1982. In order to permit Transco to purchase the remaining balance of Sulpetro's authorized export quantities, estimated to be 22,000,000 Mcf, Transco and Sulpetro, on December 10, 1980, entered into an agreement extending the period during which gas could be imported to October 31, 1983. Transco's application for authorization to import those volumes was filed on June 18, 1981. Tennessee has not requested to extend its share of the import beyond October 31, 1982.

The December 10, 1981 agreement provides that Sulpetro will deliver on a firm basis 53,000 Mcf per day year round, and up to a maximum of 75,000 Mcf per day on a best efforts basis, during the five winter months. On an annual basis, Transco is obligated to take or pay for 90 percent of quantities tendered. Any amounts paid by Transco for gas not taken during the term of the agreement will be refunded in full by Sulpetro upon expiration of the term of the contract. With regard to need for the gas, Transco referred to its filings in previous import dockets. The price of the gas will be \$4.94 (U.S.) per MMBtu, the international border price set by the National Energy Board of Canada.

Transco states that it is contemplated that the gas to be imported will be transported by NOVA (formerly Alberta Gas Trunkline Company Ltd.) to TransCanada PipeLines, Ltd. for

delivery to Transco at an existing pipeline interconnection at the international boundary. Gas imported under the initial application entered the United States at a point near Niagara Falls, New York. Transportation arrangements for gas proposed to be imported under the current application have not been completed. Transco will supplement its application when the remaining transportation arrangements, including point of delivery, are finalized. All other terms and conditions of the agreement are the same as those set forth in the initial Gas Sale Contract.

**OTHER INFORMATION:** The ERA invites protests or petitions to intervene in the proceeding. Such protests or petitions are to be filed with the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the applicable rules of practice and procedure. Protests or petitions to intervene will be accepted for consideration if filed not later than 4:30 p.m. on August 19, 1981.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the application should file a protest with the ERA in the same manner as indicated for petitions to intervene. Protests filed with ERA will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

A hearing will not be held unless a motion for a hearing is made by any party and is granted by ERA, or unless the ERA on its own motion believes that a hearing is required. If a hearing is ordered, due notice will be given to the parties.

A copy of Transco's application is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on July 29, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-22582 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-01-M

**[ERA Docket No. 81-CERT-011]****Husky Oil Co.; Recertification of Eligible Use of Natural Gas to Displace Fuel Oil**

On June 22, 1981, Husky Oil Company (Husky), 600 South Cherry Street, Denver, Colorado 80222, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of 234,725 Mcf of natural gas per year to displace approximately 37,335 barrels of No. 6 fuel oil (3.0 percent sulfur) per year at its refinery located in Cody, Park County, Wyoming. The eligible sellers of the natural gas are Husky Oil Company, Texaco Inc., and Mobil Oil Corporation. Husky has not requested recertification of Michigan-Consolidated Gas Company as an eligible seller. The gas will be transported on interstate pipelines by Montana-Dakota Utilities and Colorado Interstate Gas Company, and by Husky Pipeline Company, an intrastate pipeline. Notice of that application was published in the *Federal Register* (46 FR 36227, July 14, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On August 14, 1980, Husky received the original certification (ERA Docket No. 80-CERT-019) of an eligible use of natural gas at the Cody refinery for a period of one year, which expires August 13, 1981.

The ERA has carefully reviewed Husky's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Husky's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., July 30, 1981.

**F. Scott Bush,**

*Acting Director, Office of Program Operations, Economic Regulatory Administration.*

[FR Doc. 81-22627 Filed 8-3-81; 8:45 am]

**BILLING CODE 6450-01-M**

**[ERA Docket No. 81-CERT-015]****Public Service Electric & Gas Co.; Certification of Eligible Use of Natural Gas to Displace Fuel Oil**

On June 30, 1981, Public Service Electric and Gas Company (Public Service), 80 Park Plaza, Newark, New Jersey 07101, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of approximately seven billion cubic feet of natural gas which is expected to displace the use of approximately 1,057,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 28,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year at eight of its electric generating stations located in New Jersey. The eight stations are: 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. The eligible seller of the natural gas is Equitable Gas Company, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15279. The gas will be transported by the Texas Eastern Transmission Corporation, P.O. Box 25211, Houston, Texas 77001; Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; and Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001. Notice of that application was published in the *Federal Register* (46 FR 37073, July 17, 1981) and opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Public Service's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Public Service's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification are 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. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., July 25, 1981.

**F. Scott Bush,**

*Acting Director, Office of Program Operations Economic Regulatory Administration.*

[FR Doc. 81-22628 Filed 8-3-81; 8:45 am]

**BILLING CODE 6450-01-M**

**Federal Energy Regulatory Commission**

**[Docket No. TA81-2-1-001 (PGA-2, DCA81-2, and IPR81-2)]**

**Alabama-Tennessee Natural Gas Co.; Revised Proposed PGA Rate Adjustment**

July 29, 1981.

Take notice that on July 17, 1981, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following tariff sheet:

**Substitute Thirty-Fifth Revised Sheet No. 3-A**

This tariff sheet is proposed to become effective July 1, 1981.

Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the revised proposed changes in the rates of its supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Alabama-Tennessee states that the rate changes have been made in conformity with the PGA and related provisions of its tariff.

The tariff sheet provides for the following rates:

Rate schedule	Rate after current adjustment
G-1: Demand.....	\$2.34
Commodity.....	<sup>1</sup> 282.03
SG-1: Commodity.....	<sup>1</sup> 299.13
I-1: Commodity.....	<sup>1</sup> 289.71

<sup>1</sup> Cents.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Aug. 14,

1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22701 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. TA81-2-31-003]

**Arkansas Louisiana Gas Co.; Proposed Changes In FERC Gas Tariff**

July 28, 1981.

Take notice that Arkansas Louisiana Gas Company (Arkla) on July 13, 1981, tendered for filing the following tariff sheets:

**First Revised Volume No. 1, Rate Schedule No. G-2 27th Revised Sheet No. 4**

These revised rate tariff sheets were made pursuant to Commission's Order Directing Pipelines To Cease Collection Of The Louisiana First Use Tax. Arkla requests that these tariff sheets be made effective May 1, 1981.

Copies of this filing are being mailed to Arkla's gas utility customers under Rate Schedule No. G-2.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 10, 1981. Protests will be considered by the Commission in determining the appropriate actions to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22686 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ST80-115-001]

**Arkansas Oklahoma Gas Corp.; Filing of Extension Report**

July 30, 1981.

Take notice that on June 29, 1981, Arkansas Oklahoma Gas Corporation (Applicant), P.O. Box 248, Fort Smith, Arkansas 72901, filed in Docket No. ST80-115-001 pursuant to §§ 284.105 and 284.106(c), or in the alternative, § 284.107 of the Commission's Regulations notice of its intention to extend its transportation of natural gas for Delhi Gas Pipeline Corporation (Delhi), all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that the initial term of a gas transportation agreement dated May 15, 1979, between Delhi and Applicant expires on September 1, 1981. Applicant now proposes to extend the terms of the agreement to 18 years commencing on September 1, 1981. It is stated that by agreement dated June 8, 1981, the parties amended the May 15, 1981, gas transportation agreement so that Applicant would charge Delhi for the extended transportation service at a rate equal to the price approved by the Commission for Applicant's Rate Schedule T-1 and that the quantity Applicant delivers to Delhi would be the gas volumes Delhi delivers to it less 1 percent allowance for compressor fuel usage and gas lost or unaccounted for during transportation. All other terms of the extended service would be the same as those in the May 15, 1979, agreement.

Applicant states that the instant extension report is filed pursuant to § 284.105(c) of the Commission's Regulations. Applicant submits that although under § 284.105(c) an extension may not exceed two years unless otherwise ordered by the Commission, the Commission has pending before it in Docket No. RM81-29 a proposal to provide for unlimited successive two-year extensions of self-implementing transportation arrangements. Therefore, Applicant requests that the Commission grant a two-year extension commencing September 1, 1981, subject to issuance of revised regulations as proposed in Docket No. RM81-29. Applicant also requests that the instant extension report be treated in the alternative as an application pursuant to § 284.107 of the Commission's Regulations for authority to extend the existing transportation service for a term of eighteen years.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before August 20, 1981, file with the Federal

Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22670 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. SA81-53]

**Berkshire Gas Co.; Application for Adjustment**

Issued: July 30, 1981.

Take notice that on April 14, 1981, Berkshire Gas Company (Berkshire), 115 Cheshire Road, Pittsfield, Mass. 01201, filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's regulation. Berkshire seeks an adjustment from § 282.402 of the Commission's incremental pricing regulations.

Berkshire is a natural gas distribution company located in the State of Massachusetts and serving customers in that state. Berkshire states that its incrementally-priced customers have historically purchased their alternative fuel (high-sulfur No. 6 fuel oil) from suppliers located in the State of New York. Berkshire further states that the cost of the alternative fuel in New York has traditionally been lower than the cost of the same fuel in Massachusetts. Berkshire asserts that if its customers are incrementally priced at the Massachusetts rather than the New York price ceiling, this price disparity may cause such customers to discontinue the use of natural gas, resulting in harm to its other customers.

Berkshire requests an adjustment from § 282.402 to allow it to use the New York State or Region B alternative fuel price ceilings, rather than the presently applicable Massachusetts or Region A alternative fuel price ceilings for purposes of incrementally pricing its non-exempt industrial customers.

The procedures applicable to this adjustment proceeding are set forth at 18 CFR § 1.41. Any person desiring to participate shall file a petition to intervene in accordance with § 1.41(e). All such petitions must be on file within 15 days after publication of this notice in the Federal Register.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22687 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-95-M

[Docket No. ID-1971-000]

**C. Thayer Browne; Notice of Application**

July 29, 1981.

The filing individual submits the following:

Take notice that on July 21, 1981, C. Thayer Browne filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Connecticut Light and Power Company  
Vice President, Holyoke Water Power Company  
Vice President, Western Massachusetts Electric Company  
Vice President, Hartford Electric Light Company  
Vice President, Holyoke Power and Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22688 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-95-M

[Docket No. ID-1968-000]

**John P. Cagnetta; Notice of Application**

July 29, 1981.

The filing individual submits the following:

Take notice that on July 20, 1981, John P. Cagnetta filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Connecticut Light and Power Company  
Vice President, Holyoke Water Power Company  
Vice President, Western Massachusetts Electric Company  
Vice President, Hartford Electric Light Company  
Vice President, Holyoke Power and Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22690 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-95-M

[Docket No. ER81-387-000]

**Central Power & Light Co.; Order Granting Rehearing in Part, Denying Rehearing in Part, and Clarifying Prior Order**

Issued: July 27, 1981.

On May 29, 1981, an order was issued accepting for filing and suspending the revised rates at issue in this proceeding.<sup>1</sup> On June 26, 1981, Central Power & Light Company (CP&L) filed an application for rehearing of the order on the following grounds: (1) that the Commission should not have summarily rejected the company's application for prospective inclusion of CWIP in rate base; (2) that the Commission erred in concluding that incorrect billing determinants had been used to derive the rates applicable to the City of Brownsville (Brownsville); and (3) that the Commission should not have suspended the filing. On June 29, 1981,

<sup>1</sup> The order also granted in part and denied in part motions to reject the filing and motions for summary disposition, denied waiver of notice, granted intervention; and established price squeeze and hearing procedures.

two groups of CP&L's customers, known respectively as STEC/MEC<sup>2</sup> and REA Cooperatives,<sup>3</sup> jointly filed a request for clarification of the status of their allegations that it would be discriminatory to permit a later effective date for the rate increase to Brownsville than for the rate increase to the other customers affected by CP&L's filing, despite the existence of a contractual rate filing limitation unique to Brownsville. In the alternative, STEC/MEC and REA Cooperatives request rehearing of this issue.

For the reasons set forth below, we shall grant the request for clarification of STEC/MEC and REA Cooperatives, and we shall deny the application for rehearing of CP&L except as to the CWIP issue.

*Request and Application of STEC/MEC and REA Cooperatives*

CP&L initially requested a deferred filing and effective date for its proposed rate increase to the City of Brownsville in order to permit CP&L to give Brownsville four months' prior notice of the filing as required under the terms of Brownsville's contract with CP&L. STEC/MEC and REA Cooperatives argued in their original protests that deferral of the effective date for Brownsville alone would unduly discriminate against CP&L's remaining customers in violation of section 205(b) of the Federal Power Act, because all other customers would be subjected to the rate increase at an earlier date. We rejected this argument in our order of May 29, 1981, and designated effective dates, following suspension, of October 31, 1981, for the full requirements customers and March 1, 1982, for Brownsville.

STEC/MEC and REA Cooperatives now jointly request that we clarify the impact of the following language contained in the May 29, 1981 order:

Furthermore we do not believe, as suggested by the REA Cooperatives, that mere recognition of the terms of Brownsville's contract and the consequent imposition of a different filing date and effective date for Brownsville will engender undue discrimination *vis-a-vis* the remaining customers.

Specifically, they seek confirmation of their construction of the quoted language as permitting them to litigate the issue of undue discrimination at hearing or, alternatively, if their

<sup>2</sup> Victoria County Electric Cooperative, Nueces Electric Cooperative, and Medina Electric Cooperative.

<sup>3</sup> Magic Valley Electric Cooperative, Rio Grande Electric Cooperative, and Kimble Electric Cooperative.

interpretation is not endorsed, they request rehearing with respect to this matter.

The language in question was intended to indicate that the contractual provision resulting in a later effective date for Brownsville is not in and of itself unduly discriminatory. Because the terms of that contract were unambiguous, because there has been no indication of unfairness in the contract formation process, and because the company's submittal sought to comply with the provisions of the contract, the Commission enforced that contract at the filing stage by granting the request to defer the effective date applicable to Brownsville.

The difference in effective dates in this case is the logical consequence of the notice provision contained in the agreement between CP&L and Brownsville. As a general proposition, a difference in rate treatment which flows from a contract achieved by one customer through arms'-length bargaining will not be extended to other customers unless there is reason to question what occurred at the contract formation.<sup>4</sup> However, it is conceivable that STEC/MEC and/or REA Cooperatives may be able to demonstrate at hearing the existence of circumstances that call CP&L's contractual actions or the resulting disparity in effective dates into question. The order of May 29 was not intended to preclude them from pursuing the issue of discrimination at hearing.

#### *Application of CP&L for Rehearing*

CP&L asks that the Commission reconsider our rejection of its CWIP application and our underlying finding that the company has failed to make the threshold showing of severe financial difficulty which cannot be alleviated by traditional forms of rate relief without materially increasing the cost of electricity to consumers as required by section 2.16(b)(3) of the Commission's regulations. In support of this request, CP&L presents an analysis of the testimony of two of its witnesses, Mr. R. L. Range and Mr. F. E. Jeffries. This testimony was before us and was taken into consideration when we made our initial determination that the CWIP application should be summarily rejected. The analysis presented in CP&L's application for rehearing does not raise any new points which, barring other circumstances, would lead us to modify our original conclusion.

<sup>4</sup> See *Borough of Chambersburg v. FERC*, 580 F. 2d 573, 577 (D.C. Cir. 1978); *Town of Norwood v. FERC*, 57 F. 2d 1306, 1312 (D.C. Cir. 1978).

However, during the period which has elapsed since the initial order was issued in this proceeding, the Commission has decided to reexamine and possibly to revise the rules governing CWIP applications, including the requirement that the applicant demonstrate severe financial difficulty and the standards for meeting that test. In light of our intention to issue a notice of proposed rulemaking on this matter, and in order to maintain the *status quo ante* pending further Commission action and to avoid any prejudice to the parties, we have set for hearing in an unrelated proceeding the CWIP application of another electric utility, and we have phased this issue to follow the rulemaking proceeding.<sup>5</sup> Such phasing will allow the applicant to go forward on its request for CWIP under such standards as will be developed through public notice and comments on the proposed rulemaking. A similar approach appears to be appropriate here. Accordingly, rehearing will be granted on the issue of CP&L's application. The application will be accepted for filing and the CWIP-related issues will be phased to be heard after the conclusion of the rulemaking which we propose to undertake.

CP&L also requests rehearing of our finding that it failed to synchronize the demands billed to Brownsville with the demands incurred by Brownsville during the 1981 test year. However, CP&L concedes in its application that the billing units booked in calendar year 1981 are based on contract demands for the period from December 1, 1980, through November 30, 1981, not on demands for the 12-month test period ending December 31, 1981. The failure to synchronize distorts the test period calculations and impermissibly inflates the unit demand charge for Brownsville. CP&L has not presented any additional facts or arguments in its application for rehearing that would cause us to modify our original conclusion. Accordingly, rehearing on this issue is denied.

Finally, CP&L requests rehearing of the five-month suspension period designated in the May 29 order in this proceeding. CP&L argues that the Commission should not have suspended the filing at all because a study of its sales for the calendar year ending December 31, 1981, which is included in its wholesale rate application, indicates that the company is currently earning a less than adequate return and that the proposed rates are well within a zone of reasonableness. However, our initial review suggesting that CP&L's non-

<sup>5</sup> *El Paso Electric Company*, Docket No. ER81-428-000, order issued June 30, 1981, mimeo at 4-5.

CWIP rates could be expected to produce substantially excessive revenues and the company has not alleged circumstances such as would justify a suspension for less than the full statutory period.

In *Public Service Company of Colorado*, Docket No. ER80-447 (issued September 15, 1980), the Commission stated its policy with respect to suspensions and the reasons for not generally considering allegations of adverse financial conditions as an independent ground for an abbreviated suspension, *Id.*, mimeo at 2.

It is the Commission's responsibility under the Federal Power Act to determine a rate of return, as well as other rate relief, appropriate to recover the legitimate costs incurred by a utility. This determination is a complex one to make, one that cannot normally be made with absolute precision in the short time in which the Commission must make its decision whether and for how long to suspend a filed rate. We note that to the degree available financial information affects the rate of return portion of our preliminary review of tendered rates, we have already considered CP&L's financial condition in our initial decision to suspend the filed rates, and have found that those rates may be excessive and unlawful even taking such financial conditions into account. In the absence of a clear emergency, further consideration of the allegations of financial hardship as an independent basis for determining the appropriate suspension period is not warranted. Accordingly, CP&L's request for rehearing on the suspension question will be denied.

#### *The Commission orders:*

(A) The request of STEC/MEC and REA Cooperatives for clarification of the discrimination issue is granted to the extent indicated in the body of this order.

(B) The application of CP&L for rehearing of the issue of its application for CWIP is hereby granted. In all other respects CP&L's application for rehearing is denied.

(C) The Commission's order of May 29, 1981, in this docket is hereby modified to provide that the portion of CP&L's rate increase which is based on prospective inclusion of CWIP in rate base under section 2.16 is accepted for filing and set for hearing pursuant to the authority set forth in May 29, 1981 order.

(D) The application of CP&L for authorization to include CWIP in rate base is hereby phased so that the application will be heard subsequent to action on the Commission's anticipated

rulemaking concerning construction work in progress. CP&L will be permitted to collect CWIP-based rates, if at all, prospectively only following a final Commission order in the CWIP phase of this proceeding.

(E) The Secretary shall promptly publish this order in the Federal Register.

By the Commission: Commissioner Holden dissenting.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22702 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4837-000]

**City of Rohnert Park, California;  
Application for Preliminary Permit**

July 30, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 10, 1981, an application for preliminary permit [Pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4837 known as the Butter and Indian Valley Creek Project located on Butter Creek and Indian Valley Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to: Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

**Project Description.**—The project would consist of: (1) Two five-foot high diversion structures; (2) two diversion conduits with a total length of 3,990 feet; (3) a 990-foot long steel penstock; (4) a powerhouse containing one or more generating units with a total rated capacity of 2,150 kW; and (5) a 3.5-mile long, 12.5-kV transmission line. The average annual energy generation is estimated to be 9.4 million kWh.

**Proposed Scope of Studies under Permit.**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months; during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be \$100,000.

**Competing Applications.**—This application was filed as a competing application to the Butter and Indian Valley Creek Project No. 4076-000 filed on January 29, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the

initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments.**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions to Intervene.**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

**Filing and Service of Responsive Documents.**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22671 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4935-000]

**City of Rohnert Park, California;  
Application for Preliminary Permit**

July 30, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 22, 1981, an application for preliminary permit [pursuant to the

Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4935 to be known as the Bell Creek, Trinity Project located on Bell Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

**Project Description.**—The project would consist of: (1) a 45-foot long, 5-foot high diversion structure; (2) a 6,100-foot long diversion conduit; (3) a 750-foot long penstock; (4) a powerhouse to contain one or more generating units with a rated capacity of 1,170 kW; and (5) a 4-mile long, 12.5 kV transmission line to connect to an existing Pacific Gas and Electric Company line. The average annual energy generation is estimated to be 4.6 million kWh.

**Proposed Scope of Studies Under Permit.**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be \$100,000.

**Competing Applications.**—This application was filed as a competing application to the Bell Creek Trinity Project No. 4386 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments.**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions to Intervene.**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the

Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22672 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4925-000]

**City of Rohnert Park; Application for Preliminary Permit**

July 31, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4925 known as the Eltapom Creek, Trinity Project located on Eltapom Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

**Project Description**—The proposed project would consist of: (1) a 163-foot long, 5-foot high diversion structure; (2) a 2,800-foot long diversion conduit; (3) a 900-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 4,700 kW; and (5) a 2-mile long, 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company line. The average annual energy generation is estimated to be 18.7 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued,

does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be \$100,000.

**Competing Applications**—This application was filed as a competing application to the Eltapom Creek, Trinity Project No. 4389 filed on March 23, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4925. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc 81-22710 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4927-000]

**City of Rohnert Park, California; Application for Preliminary Permit**

July 31, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 4927 to be known as the Dedrick Lookout, Trinity Project located on Canyon Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

**Project Description**—The project would consist of: (1) a 99-foot long, 5-foot high diversion structure; (2) a 25,000-foot long diversion conduit; (3) a 2,000-foot long penstock; (4) a powerhouse with a total rated capacity of 4,300 kW; and (5) a 12.5 kV transmission line. The average annual energy generation is estimated to be 17.1 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental and economic studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

**Competing Applications**—This application was filed as a competing application to the Dedrick Lookout, Trinity Project No. 4366 filed on March 18, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions to Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22711 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP81-401-000]

**Columbia Gas Transmission Corp.; Application**

July 30, 1981.

Take notice that on July 1, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-401-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 76 interconnecting tap facilities to provide additional points of delivery to existing wholesale

customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

- (1) Columbia Gas of Kentucky, Inc., 1 tap for residential service—estimated annual usage of 150 Mcf
- (2) Columbia Gas of Ohio, Inc., 40 taps for residential service; 1 tap for commercial service—estimated annual usage of 6,535 Mcf
- (3) Columbia Gas of Pennsylvania, Inc., 12 taps for residential service; 1 tap for commercial service—estimated annual usage of 2,115 Mcf
- (4) Columbia Gas of Virginia, Inc., 1 tap for combined residential and commercial service—estimated annual usage of 120,000 Mcf
- (5) Columbia Gas of West Virginia, Inc., 17 taps for residential service; 1 tap for commercial service—estimated annual usage of 3,550 Mcf
- (6) Baltimore Gas and Electric Company, 1 tap for residential service—estimated annual usage of 150 Mcf
- (7) The Dayton Power and Light Company, 1 tap for residential service—estimated annual usage of 150 Mcf

It is estimated that the total cost of the interconnections proposed herein is \$45,650 to be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the

certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22673 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. EL78-30]

**Concerned Citizens Against Power Monopoly v. Louisiana Power & Light Co.; Order Granting Interventions and Dismissing Complaint Without Prejudice**

Issued: July 30, 1981.

**Background**

On June 8, 1978, the Concerned Citizens Against Power Monopoly (Citizens) filed a complaint under Section 306 of the Federal Power Act against Louisiana Power and Light Company (LP&L). Citizens, an unincorporated association of citizens of the City of Monroe, Louisiana, alleged that LP&L had refused to sell Monroe firm power for base load purposes at a reasonable rate, with the result that Monroe believed itself forced to agree to sell its system to LP&L. Citizens further complained that such denial was discriminatory under Section 205(b) of the Federal Power Act (Act) since firm power was offered to the City of Minden. As a result of these alleged unlawful actions, Citizens asserted that Monroe was forced to enter into an agreement by which LP&L would operate Monroe's municipal electric system, with an option to purchase it at a later date. Since this transaction is subject to approval by the Securities and Exchange Commission, Citizens suggested that a joint investigation be conducted with the SEC of the broad move towards concentration of the electric power market in Louisiana, of which, Citizens contend, the acquisition of Monroe is a part. Alternatively, Citizens requested a Section 206 investigation of the 205(b) discrimination charges, contending that they have shown "reasonable grounds" for an investigation under Section 306 of the Act.

They further requested relief in the form of the delivery of firm base load



power at reasonable rates under Section 202(c) of the Act.

On July 19, 1978, LP&L filed a response to the Complaint in which the company set forth a history of its dealings with Monroe and Minden. LP&L asserted that it had previously offered the same firm service to Monroe as to Minden, but that Monroe had declined to enter a contract for firm service. LP&L further stated that it had no obligation to serve Monroe at all, that the Citizens of Monroe had voted to enter into an operating agreement with LP&L, that there is no "emergency" on Monroe's system that would justify the invocation of Section 202(c),<sup>1</sup> and that this Commission no longer has jurisdiction in the matter since LP&L is in fact now operating Monroe's system.

On July 19, 1978, LP&L also filed a motion to disqualify the law firm representing Citizens on the ground that a partner of the firm had participated on behalf of the Department of Justice in negotiations regarding antitrust conditions to be attached to LP&L's license for the construction of its nuclear generating unit, Waterford 3. LP&L contended that representation of Citizens in this related case was inconsistent with Canon 9 of the Code of Professional Responsibility of the American Bar Association.

Also on July 19, 1978, General Motors Corporation petitioned to intervene, as a former customer of Monroe and a current customer of LP&L, in order to protect its interests "as they may appear."

On July 12, 1978, the City of Monroe and the City of Monroe Utilities Commission petitioned to intervene in the proceeding and requested an extension of time to respond to the complaint. On July 26, 1978, the City filed a protest against the complaint and moved for summary dismissal of it.

The City stated that the same issues were being litigated before the SEC and that there was no need for this Commission to become involved in that litigation; that Monroe did not want delivery of firm power by LP&L and would not accept it if it were tendered; that the electorate had voted to have LP&L operate the system with an option to purchase; and that no useful purpose could be gained by prosecution of the complaint.

On July 24, 1978, Citizens filed a motion to withdraw from the case on the grounds that Citizens could not afford further costs of prosecuting its protest. A

major factor in this decision was asserted to be the cost of defending Citizen's counsel against the motion to disqualify, although the motion was stated to be without merit. Citizens stated that it believed the response of LP&L to be "in several particulars deceptive and misleading" and urged the Commission staff to pursue the matters raised in its complaint.

#### Discussion

The Commission finds that participation in this proceeding by the petitioners is in the public interest. Accordingly, we shall grant the petitions to intervene.

Without reaching the merits of the complaint, we find that there could be no practical purpose served at this time by pursuing the rate discrimination allegations of Citizens in a Section 206 hearing in light of the fact that LP&L is currently operating Monroe's system and serving the city at retail under SEC approval on a temporary emergency basis. If the SEC approves the acquisition of Monroe's municipal system by LP&L, the wholesale rate complaint will be entirely moot.

We shall therefore dismiss the complaint of Citizens without prejudice to its renewal should the SEC disapprove the acquisition of Monroe's municipal electric system by LP&L.

#### The Commission orders

(A) The complaint filed in this docket is dismissed without prejudice.

(B) The petitions to intervene of Monroe, Monroe Utilities Commission and General Motors are hereby granted subject to the rules and regulations of the Commission; *Provided, however*, that participation but such intervenors shall be limited to the matters set forth in the petitions to intervene; and *provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(C) Docket No. EL78-30 is hereby terminated.

(D) The Secretary shall promptly publish this order in the Federal Register.

By the Commission: Commissioner Holden voted present.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22712 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-407-000]

#### Consolidated Gas Supply Corp.; Application

July 30, 1981.

Take notice that on July 9, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-407-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 5.48 miles of 12¾-inch O.D. pipeline and related and appurtenant facilities all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 5.48-mile extension of its existing 12¾-inch Line No. TL-323 in Monongalia County, West Virginia. It is stated that the markets served by Line No. TL-323 are shifting to the northern end of the pipeline and the proposed construction would enable Applicant to ensure continued service to consumers in this area.

Applicant proposes no additional sales or services.

Applicant estimates the cost of the proposed facilities to be \$1,411,590 which would be financed from funds on hand or funds obtained from Applicant's parent, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act, (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

<sup>1</sup>The Commission's authority under Section 202(c) of the Act was transferred to the Secretary of Energy by Section 301(b) of the Department of Energy Organization Act.

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate if required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22674 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-95-M

[Docket Nos. ER81-504-000 and ER80-363]

**Delmarva Power & Light Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motions to Reject, Granting Interventions, and Establishing Hearing and Price Squeeze Procedures**

Issued July 28, 1981.

On May 29, 1981, Delmarva Power & Light Company (Delmarva) submitted for filing increased rates for service to its municipal and cooperative customers.<sup>1</sup> According to Delmarva, the proposed rates would supersede the two-Phase rates previously filed in Docket No. ER80-363. Delmarva requests that the proposed rates be made effective as of July 28, 1981, which is prior to the anticipated effective date of the Phase II rates in the prior docket.<sup>2</sup> The rates now proposed by Delmarva would increase revenues by approximately \$3,275,578 (4.6 percent)

<sup>1</sup> See Attachment A for rate schedule designations.

<sup>2</sup> Delmarva submitted its two-phase rates for filing on April 30, 1980. As a result of the Commission's orders issued on June 30, August 22, and October 1, 1980, the Phase I rates became effective, subject to refund, on December 1, 1980. The proposed effective date for the Phase II rates was the commercial operation date of Delmarva's Salem Generating Unit No. 2—projected by Delmarva to be late in 1980 and more than 120 days after the filing date. Thus, the Commission granted Delmarva's request for waiver of the 120 day rule contained in section 35.3 of the regulations and suspended the Phase II rates for five months from the commercial operation date of Salem Unit No. 2.

Because Salem Unit No. 2 is still undergoing testing, it has not been placed into commercial operation. Accordingly, Delmarva has not started to collect the Phase II rates. Delmarva now anticipates placing the unit in service on October 1, 1981, and thus could begin to charge the Phase II rates as of March 1, 1982.

The Commission's three orders in Docket No. ER80-363 are the subject of appeals filed by Delmarva and some of its customers before the United States Court of Appeals for the District of Columbia Circuit, Nos. 80-2102 and 80-2585.

above the Phase I level for the test year ending September 30, 1982. The rates represent a revenue level about one percent above the Phase II rates.

Notice of Delmarva's filing was issued on June 5, 1981, with responses due on or before June 29, 1981.

On June 29, 1981, eight of the municipal customers affected by Delmarva's submittals (Municipals)<sup>3</sup> filed a petition to intervene, protest and request for rejection or suspension of the proposed rates. The Municipals contend that Delmarva's filing should be rejected because it constitutes a collateral attack on the Commission's prior orders in Docket No. ER80-363. The Municipals claim that the rates now proposed are essentially the same as the Phase II rates, and that the current filing is merely an attempt by Delmarva to accelerate the effective date of the previously suspended Phase II rate increase.

In addition, the Municipals contend that the July 28, 1981 effective date proposed by Delmarva violates the moratorium provision of a proposed settlement agreement submitted in Docket No. ER80-363 between Delmarva and certain of its wholesale customers. This violation, the municipals assert, also warrants rejection of the proposed rates.

If the proposed rates are not rejected, the Municipals request that the rates be suspended for five months from the commercial operation date of Salem Unit No. 2 on the grounds that the current filing is merely a renewed submittal of the Phase II rates. Alternatively, the Municipals request that the proposed rates be suspended for five months from July 28, 1981, because of Delmarva's allegedly improper treatment of various cost of service items.

In addition to the cost of service issues, the Municipals take exception to several tariff provisions included in Delmarva's filing and also claim that Delmarva's rate proposals will create a price squeeze. The Municipals further contend that the submittal is discriminatory in that Delmarva has specified individual customer rates rather than customer class rates.

On June 29, 1981, Old Dominion Cooperative and three of its member cooperatives (Cooperatives)<sup>4</sup> filed a protest, petition to intervene, request for rejection or, in the alternative, a five

<sup>3</sup> The Cities of Clayton, Lewes, Middletown, Milford, New Castle, Newark, Seaford, and Smyrna, Delaware.

<sup>4</sup> A & N Electric Cooperative, Choptank Electric Cooperative, and Delaware Electric Cooperative, each of which is a wholesale customer of Delmarva's.

month suspension of the proposed rates from the date on which Salem Unit No. 2 goes into commercial operation. In support of their request for rejection, the Cooperatives assert that Delmarva's filing is in violation of section 35.17(b) of the regulations because the Phase II rates in the prior docket have been suspended and Delmarva has not requested permission to file within the period of suspension.<sup>5</sup>

Alternatively, the Cooperatives request that the proposed rates be suspended for five months from the commercial operation date of Salem Unit No. 2 on the basis of various alleged deficiencies in Delmarva's cost of service. The Cooperatives also allege price squeeze.

On June 29, 1981, Joseph R. Biden, Jr., United States Senator from Delaware, filed a protest and request for rejection or suspension of the proposed rates. Senator Biden states that the rate increases will necessitate substantial increases in the retail rates charged by municipalities to their respective customers. The Senator urges rejection of the proposed rates on the grounds that they are similar to the Phase II rates which already have been acted upon by the Commission. Alternatively, Senator Biden requests that the proposed rates be suspended for five months from the commercial operation date of Salem Unit No. 2 because of improprieties in Delmarva's claimed cost of service. Senator Biden also alleges that Delmarva's filing is discriminatory since it incorporates individual rates for each customer.

*Discussion*

The Commission finds that participation in this proceeding by each of the petitioners is in the public interest. Accordingly, we shall grant the petitions to intervene filed by Delmarva's municipal and cooperative customers.

We shall, however, deny the various requests for rejection of Delmarva's rate filing. First, we are not persuaded that section 35.17 of the regulations is an adequate basis for rejecting the proposed rates. Because the date on which the Phase II suspension begins—the commercial operation date of Salem Unit No. 2—has not yet been reached, the current rate proposals were not filed "within the period of suspension."

<sup>5</sup> Section 35.17(b) provides:

A public utility may not, *within the period of suspension*, file any change in a rate schedule or part thereof which has been suspended by order of the Commission except by special permission of the Commission granted upon application therefor and for good cause shown. [Emphasis added.]

Therefore, the regulation is not applicable by its own terms.<sup>6</sup> Moreover, we do not believe that the rates should be rejected on the grounds that they are similar to the Phase II rates in derivation or level. We find that the current rate proposals are separate and distinct from the Phase II rates, are based on different test period data, and are supported by documentation satisfying the Commission's filing requirements.

Although we shall deny the motions to reject, our analysis indicates that Delmarva's rate proposals have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In a number of suspension orders,<sup>7</sup> we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have not been presented here. Therefore, we shall suspend Delmarva's rates for a period of five months. Because we construe Delmarva's submittal as a lawful filing which is not prohibited by the regulations and which is distinct from the Phase II rate proposal, the five month suspension will run from the proposed effective date rather than the in-service date of Salem Unit No. 2. Accordingly, the rates shall become effective subject to refund thereafter on December 29, 1981.<sup>8</sup>

<sup>6</sup>While the Cooperatives have made reference to section 35.17(b) of the regulations, our comments here also apply with regard to section 35.17(c). Section 36.17(c) of that regulation provides:

A public utility may not, within the period of suspension, file any change in a rate schedule or part thereof continued in effect by operation of an order of suspension and which was proposed to be changed by the suspended filing, except by special permission of the Commission granted upon application therefor and for good cause shown. [Emphasis added.]

<sup>7</sup>E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

<sup>8</sup>Thus it appears that any question concerning the effect of the rate moratorium provision in the proposed settlement in Docket No. ER80-363 is moot.

Furthermore, we shall require that a hearing be held concerning the reasonableness of Delmarva's rates. Questions concerning Delmarva's cost of service, proposed fuel adjustment and power factor clauses, specification of billing demand, and other proposed tariff provisions may be addressed at such hearings. In light of the fact that the submittal reflects distinct rates for each of the wholesale customers, Delmarva is also directed to respond to claims that its rate proposals are unduly discriminatory. Delmarva must demonstrate why it is no longer reasonable to specify rates applicable to classes of customers having substantially similar load and service characteristics taking substantially the same service. Additionally, Delmarva must prove not only that there exist factual differences that justify different rates for different customers, but also that these differences justify the specific differences reflected in its rate proposals. See *St. Michael Utilities Commission v. FPC*, 377 F. 2d 912, 915 (4th Cir. 1967); *Public Service Co. of Indiana v. FERC*, 575 F.2d 1204, 1212 (7th Cir. 1978). *Wilmut Gas & Oil Co. v. United Gas Pipe Line Co.*, 12 FPC 132, 143-146 (1953); and *United Gas Pipe Line Co.*, 14 FPC 353, 395 (1955).

In accordance with Commission policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the intervenors. This will allow a decision first to be reached on the cost of service, capitalization, rate of return, and other issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

Having determined that a hearing will be held in the instant docket, we also conclude that the portion of the proceedings in Docket No. ER80-363 that relates to the Phase II rates should be terminated. Because Delmarva has indicated in its filing letter that its currently proposed rates are to supersede the phased rates in the prior docket, and because the currently proposed rates will be collected prior to the effective date of the Phase II rates, all issues concerning the Phase II rates are now moot and need not be litigated.

With respect to Municipals' request that Delmarva be required to file a wheeling tariff as part of its current submittal, the Commission recently denied a similar request in *South Carolina Electric & Gas Company*, Docket No. ER81-436, order issued June 22, 1981. In that order, we declined to enlarge the scope of a rate proceeding

concerning existing firm service to include a request that the company offer an alternative wheeling tariff for future application. Consistent with that order, we shall deny the request to compel Delmarva to file a wheeling tariff, without prejudice to the Municipals' pursuit of their request through negotiations with Delmarva or by appropriate application in a separate docket under the pertinent provisions of the Federal Power Act.

Finally, we take this opportunity to advise Delmarva that any adjustment which may be contemplated pursuant to the tax adjustment clause contained in the proposed rate schedules will have to be filed as a change in rates under section 35.13 of the Commission's regulations. It is our policy not to permit such tax clauses to be the basis for automatic changes in rates.<sup>9</sup>

The Commission orders:

(A) All motions to reject Delmarva's rate proposals are hereby denied.

(B) The Municipals' request that the Commission compel Delmarva to file a wheeling tariff is hereby denied without prejudice.

(C) Delmarva's rates tendered for filing on May 29, 1981, are hereby accepted for filing and suspended for five months from the requested July 28, 1981 effective date to become effective on December 29, 1981, subject to refund pending hearing and decision.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act, a public hearing shall be held concerning the lawfulness of Delmarva's rates.

(E) The petitions to intervene in this docket are hereby granted subject to the rules and regulations of the Commission; *Provided, however*, that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further*, that the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

<sup>9</sup>See, e.g., *Boston Edison Company*, Docket No. ER78-304, order issued May 30, 1978; *Kansas City Power & Light Company*, Docket No. ER79-141, order issued March 13, 1978; and *Kansas City Power & Light Co.*, Docket No. ER79-166, order issued March 28, 1979.

(F) The Commission staff shall serve top sheets in this proceeding on or before July 9, 1981.

(G) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for a good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Phase II rates in Docket No. ER80-363, having been superseded prior to the date upon which they could become effective, are deemed moot and that portion of the proceedings in Docket No. ER80-363 relating to the Phase II rates is hereby terminated.

(J) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission, Commissioner Holden dissenting.

**Kenneth F. Plumb,**  
Secretary.

**Delmarva Power & Light Co., Rate Schedule Designations, Docket No. ER81-504-000**

*FERC Electric Tariff Original Volume No. 10*

- (1) First Revised Sheet No. 6; Supersedes Original Sheet No. 6.
- (2) First Revised Sheet No. 10; Supersedes Original Sheet No. 10.
- (3) First Revised Sheet No. 13; Supersedes Original Sheet No. 13.
- (4) First Revised Sheet No. 14; Supersedes Original Sheet No. 14.
- (5) Original Sheet No. 14a.
- (6) Second Revised Sheet No. 25; Supersedes First Revised Sheet No. 25.

(7) Second Revised Sheet No. 26; Supersedes First Revised Sheet No. 26.

(8) First Revised Sheet No. 27; Supersedes Original Sheet No. 27.

[FR Doc. 81-22703 Filed 8-3-81; 8:45 am]

**BILLING CODE 6450-85-M**

**[Docket No. ER81-621-000]**

**Electric Energy, Inc.; Filing**

July 30, 1981.

The filing Company submits the following:

Take notice that on July 21, 1981, Electric Energy, Inc. (EEI) tendered for filing a Letter Agreement dated June 29, 1981, modifying Amendment No. 5 to the Interim, Supplemental and Surplus Power Agreement (FERC Rate Schedule No. 8) between EEI and its Sponsoring Companies (Central Illinois Public Service Company, Illinois Power Company, Kentucky Utilities Company and Union Electric Company) and a Letter Agreement dated May 1, 1981 between EEI and the United States Department of Energy (DOE), as successor of the Energy Research and Development Administration, modifying Power Contract No. DE-AC05-76OR01312 (formerly designated Contract No. AT-(40-1)-1312 between EEI and DOE (FERC Rate Schedule No. 7).

The two Letter Agreements would reduce the capacity of EEI's Joppa, Illinois electric generating station available to DOE and correspondingly increase the capacity of such station available to certain of the Sponsoring Companies. The proposed changes came about as a result of DOE's desire to reduce its fixed electric power expense in light of reduced operations at DOE's gaseous diffusion uranium enrichment plant in Paducah, Kentucky. Certain of the Sponsoring Companies agreed to purchase the resulting surplus capacity because they had need for such power and EEI would be able to supply such power at reasonable rates.

EEI proposes an effective date of October 1, 1981.

Copies of the filing have been sent to the Sponsoring Companies, DOE, the Illinois Commerce Commission, and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 81-22704 Filed 8-3-81; 8:45 am]

**BILLING CODE 6450-85-M**

**[Project No. 4765-000]**

**Energenics Systems, Inc.; Application for Preliminary Permit**

July 30, 1981.

Take notice that Energenics Systems, Inc., (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4765 known as the EL 68-Station 65 + 54.65 Hydroelectric Project located on the East Low Canal in Adams County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be direct to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

*Project Description*—The proposed project would consist of: (1) a gated intake structure with trashracks; (2) a surface penstock; (3) a short tailrace; (4) a check structure; and (5) a power plant which will house one generating unit with a rated capacity of 390 kW. The average annual energy output is 1.3 million kWh.

*Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental and economic feasibility studies and consult with Federal, State and local agencies to prepare an application for an FERC license. No new roads will be needed to conduct these studies. The estimated cost of the proposed feasibility studies and preparing an application for an FERC license is \$30,000.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or before October 5, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an

acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 5, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb.

Secretary.

[FR Doc. 81-22675 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4764-000]

**Energenics Systems, Inc.; Application for Preliminary Permit**

July 31, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4764 known as the EL 68-Station 31+00

Hydroelectric Project located on the East Low Canal in Adams County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc. 1727 Q Street, N.W., Washington, D.C. 20009.

**Project Description**—The proposed project would consist of: (1) a gated intake structure with trashracks; (2) a surface penstock; (3) a short tailrace; (4) a check structure; and (5) a power plant to contain one generating unit with a rated capacity of 420 kW. The average annual energy output is 1.4 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental and economic feasibility studies and consult with Federal, State and local agencies to prepare an application for a FERC license. No new roads will be needed to conduct these studies. The estimated cost of the proposed feasibility studies and preparing an application for a FERC license is \$30,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before October 5, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protest, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceedings. Any comments, protests, or petitions to intervene must be received on or before October 5, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22713 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4763-000]

**Energenics Systems, Inc.; Application for Preliminary Permit**

July 31, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4763 known as the EL 85-Station 123+25 Hydroelectric Project located on the East Low Canal in Adams County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street N.W., Washington, D.C. 20009.

**Project Description**—The proposed project would consist of: (1) a gated intake structure with trashracks; (2) a surface penstock; (3) a short tailrace; (4) a check structure; and (5) a power plant to contain one generating unit with a rated capacity of 400 kW. The average annual energy output is 1.3 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental and economic feasibility studies and consult

with Federal, State and local agencies to prepare an application for a FERC license. No new roads will be needed to conduct these studies. The estimated cost of the proposed feasibility studies and preparing an application for a FERC license is \$30,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before October 5, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 5, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 81-22714 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-95-M

[Project No. 4762-000]

**Energenics Systems, Inc.; Application for Preliminary Permit**

July 31, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4762 known as the EL 85-Station 100 + 29.6 Hydroelectric Project located on the East Low Canal in Adams County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

**Project Description**—The proposed project would consist of: (1) a gated intake structure with trashracks; (2) a surface penstock; (3) a short tailrace; (4) a check structure; and (5) a power plant to contain one generating unit with a rated capacity of 400 kW. The average annual energy output is 1.3 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental and economic feasibility studies and consult with Federal, State and local agencies to prepare an application for a FERC license. No new roads will be needed to conduct these studies. The estimated cost of the proposed feasibility studies and preparing an application for a FERC license is \$30,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before October 5, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the

Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 5, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 81-22715 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-95-M

[Project No. 2177-005]

**Georgia Power Co.; Application for Revised Exhibit R**

July 31, 1981.

Take notice that an application for revised Exhibit R for the Middle Chattahoochee Project, FERC No. 2177 was filed on April 6, 1981, by Georgia Power Company. The Middle Chattahoochee Project is located on North Highland Lake, Goat Rock Lake, and Lake Oliver, in Russell and Lee Counties, Alabama, and Muscogee, and Harris Counties, Georgia. Correspondence concerning the application should be directed to: Mr. W. L. Westbrook, Vice President,

Georgia Power Company, 270 Peachtree Street, P.O. Box 4545, Atlanta, Georgia 30302.

Georgia Power Company requests Commission approval to the changes made in its revised Exhibit R. The proposed changes consist of construction of new recreational facilities and redevelopment of other existing recreational facilities in the next 7 to 10 years.

Anyone desiring to be heard or to make any protests, about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protests, or petitions to intervene must be received on or before September 14, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22710 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Docket No. ER81-629-000]**

**Gulf States Utilities Co.; Filing**

July 30, 1981.

The filing Company submits the following:

Take notice that on July 21, 1981, Gulf States Utilities Company (Gulf States) tendered for filing an interconnection agreement between it and Southwestern Electric Power Company Inc. Gulf States indicates that the agreement provides for services at the parties' standard rates and terms for such service.

Gulf States proposes an effective date of March 20, 1981, and requests waiver of the Commission's notice requirements.

Gulf States indicates that a copy of the filing was served upon the public Utility Commission of Texas, the Louisiana Public Service Commission, and Southwestern Electric Power Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure, (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22689 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Docket No. ID-1970-000]**

**Albert J. Hajek; Application**

July 29, 1981.

The filing individual submits the following:

Take notice that on July 21, 1981, Albert J. Hajek filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Connecticut Light and Power Company

Vice President—Holyoke Water Power Company

Vice President—Western Massachusetts Electric Company

Vice President—Hartford Electric Light Company

Vice President—Holyoke Power and Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the

Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22685 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Project No. 4777-000]**

**Homestake Consulting & Investments, Inc; Application for Preliminary Permit**

July 30, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4777 know as the Horton Creek Hydroelectric Project located on Horton Creek in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

**Project Description**—The proposed project would consist of: (1) a three-foot high barrier; (2) an intake orifice; (3) a settling tank; (4) a 5,200-foot long, 10-inch diameter penstock; (5) a powerhouse with total installed capacity of 100 kW; and (6) a 2,200-foot long underground transmission line interconnecting with an existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy output would be 0.54 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, hydrological and environmental studies; conduct surveys; and prepare FERC license application. No new roads are required for conducting these studies. The Applicant estimates that the cost of completing studies is \$2,150.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before October 5, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10(1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 5, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENT", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22676 Filed 6-3-81; 6:45 am]  
BILLING CODE 6450-85-M

[Project No. 4790-000]

**Homestake Consulting & Investments, Inc.; Application for Preliminary Permit**  
July 30, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4790 known as the Cougar Creek Hydroelectric Project located on Cougar

Creek in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

**Project Description**—The proposed project would consist of: (1) a three-foot high barrier; (2) an intake orifice; (3) a settling tank; (4) a 2,600-foot long, 12-inch diameter penstock; (5) a powerhouse with total installed capacity of 100 kW; and (6) a 700-foot long underground transmission line interconnecting with an existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy output would be 0.33 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, hydrological and environmental studies; conduct surveys; and prepare an FERC license application. No new roads are required for conducting these studies. The Applicant estimates that the cost of completing studies is \$1,950.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before October 5, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 5, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22677 Filed 6-3-81; 6:45 am]  
BILLING CODE 6450-85-M

[Project No. 4778-000]

**Homestake Consulting & Investments, Inc.; Application for Preliminary Permit**  
July 30, 1981

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4778 known as the Morris Creek Hydroelectric Project located on Morris Creek in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

**Project Description**—The proposed project would consist of: (1) a three-foot high barrier; (2) an intake orifice; (3) a settling tank; (4) a 6,000-foot long, 16-inch diameter penstock; (5) a powerhouse with total installed capacity of 200 kW; and (6) a 20,500-foot long underground transmission line interconnecting with an existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy output would be 0.89 million kWh.



**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, hydrological and environmental studies; conduct surveys; and prepare FERC license application. No new roads are required for conducting these studies. The Applicant estimates that the cost of completing studies is \$2,550.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before October 5, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 of 1.10 (1980). In determining the appropriate action, to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceedings. Any comments, protests, or petitions to intervene must be received on or before October 5, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission,

Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 81-22705 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 4779-000]

**Homestake Consulting & Investments, Inc.; Application for Preliminary Permit**

July 31, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(f)] for Project No. 4779 known as the Two Mouth Creek Hydroelectric Project located on Two Mouth Creek in Bonner & Boundary Counties, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

**Project Description**—The proposed project would consist of: (1) a three-foot high barrier; (2) an intake orifice; (3) a settling tank; (4) a 3,300-foot long, 20-inch diameter penstock; (5) a powerhouse with total installed capacity of 50 kW; and (6) a 20,500-foot long underground transmission line interconnecting with an existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy output would be 0.95 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, hydrological and environmental studies; conduct surveys; and prepare FERC license application. No new roads are required for conducting these studies. The Applicant estimates that the cost of completing studies is \$2,050.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before October 5, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application.

Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 5, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 81-22717 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket Nos. ER79-512 and ER80-420]

**Long Island Lighting Co.; Notice of Compliance Filing**

July 29, 1981.

Take notice that on June 3, 1981, Long Island Lighting Company (LILCO) submitted for filing a transmission

agreement between LILCO and the Power Authority of the State of New York in compliance with the Commission's order approving the settlement submitted by LILCO. The agreement cancels and supersedes Rate Schedule No. 29.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 17, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22693 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP81-409-000]

**Louisiana Intrastate Gas Corp.;  
Application for Approval of  
Transportation Agreement and  
Approval of Transportation Rate**

July 30, 1981.

Take notice that on July 9, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. CP81-409-000 and application pursuant to § 284.127 of the Commission's Regulations for approval of a transportation agreement with Arkansas Louisiana Gas Company (Arkla) dated February 19, 1981, and pursuant to § 284.123(b)(2) of the Commission's Regulations for approval of its rates and charges under the transportation agreement, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that on February 19, 1981, Arkla and Applicant entered into a gas transportation agreement under which Applicant would receive gas from Arkla at points of receipt in Lafayette, St. Mary, and Rapides Parishes, Louisiana, and would redeliver to Arkla at points in Evangeline, Rapides and St. Mary Parishes, Louisiana, an equivalent quantity of gas less 1 percent of the gas used as compressor fuel, company use and unaccounted for gas. Applicant states that Arkla would then deliver and sell the gas to Central Louisiana Electric Company, Inc., a direct industrial customer of Arkla.

Applicant asserts that the proposed transportation service would commence

upon receipt of the requisite regulatory approvals and terminate on December 31, 1995.

It is stated that the quantity of gas to be transported under the proposed transportation service would be 75,000 Mcf per day averaged over each calendar year or approximately 27,375,000 Mcf per year during 1981 through 1985 and 50,000 Mcf per day averaged over each calendar year or approximately 18,250,000 Mcf per year during 1986 through 1995. Furthermore, Applicant asserts that under the agreement it may accept additional volumes of gas tendered for transportation by Arkla to the points of redelivery up to a maximum annual volume of 250,000 Mcf averaged over each day of the calendar year. It is also averred that the maximum daily volume is the daily capacity of Applicant to accept gas at the points of delivery specified in the transportation agreement. Moreover, Applicant states that under the transportation agreement Applicant may transport gas for Arkla pursuant to a deferred exchange arrangement whereby Arkla would tender gas to Applicant at the points of delivery with the understanding that the gas would be redelivered to Arkla at a later prearranged time.

Applicant proposes to charge Arkla 20.0 cents per million Btu for each million Btu redelivered. It is asserted that these rates are on file with the Commission under Docket Nos. ST79-22 through ST79-25 and have been approved by the Commission. Furthermore, Applicant asserts that the transportation agreement grants Applicant the contractual right to increase its rates to reflect any increased severance tax and to file with any entity or entities having jurisdiction over its rates to receive a higher rate.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22678 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 4737-000]

**Barbara Jo and George F. Mallett;  
Application for Exemption From  
Licensing of a Small Hydroelectric  
Project of 5 Megawatts or Less**

July 31, 1981.

Take notice that Barbara Jo and George F. Mallett filed with the Federal Energy Regulatory Commission on May 26, 1981, and application for exemption for the Trinity Alps Creek Project No. 4737-000 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part Section 408 of the Energy Security Act of 1980.<sup>1</sup> The proposed project would be located on the Trinity Alps Creek in Trinity County, California. Correspondence with the Applicant should be directed to: George F. and Barbara Jo Mallett, Star Route Box 480, Lewiston, California 96052.

*Project Description*—The proposed project would consist of: 1) an existing 6-foot high rock Diversion #1 structure; 2) an existing 1,400-foot long unlined ditch; 3) an existing 6-foot high Diversion #2 structure; 4) an existing unlined ditch; 5) a 3,000-foot long penstock; 6) a powerhouse containing one generating unit rated at 500 kW; 7) a 990-foot long transmission line; and 8) appurtenant facilities.

*Purpose of Exemption*—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments

<sup>1</sup> Pub. L. 96-294, 94 Stat. 611 Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

**Competing Applications**—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 14, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than January 12, 1982. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action, to take, the Commission will consider all protests or other comments filed, but a person who merely filed a protest or comments does not become a party to the proceedings. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petitions to intervene must be received on or before September 14, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4737. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission,

Room 208 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22709 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-65-M

**[Docket No. CP81-410-000]**

**Michigan Wisconsin Pipe Line Co. and Northern Natural Gas Co., Division of InterNorth, Inc.; Application**

July 30, 1981.

Take notice that on July 10, 1981, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-410-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to interconnect their respective transmission systems in Kiowa County, Kansas, all as more fully set forth in the joint application which is on file with the Commission and open for public inspection.

Applicants specifically propose to construct and operate an interconnection in Kiowa County, Kansas, which would connect Northern's Mullinville compressor station and Mich Wis's Greensburg compressor station and accordingly their mainline transmission systems. It is stated that the proposed facilities would be comprised of gas measurement, flow control and pressure regulation facilities and approximately 1.8 miles of 16-inch O.D. pipeline.

Applicants assert that the proposed facilities would be used for the redelivery by Mich Wis to Northern of its West Cameron area Blocks 205, 206, 238, and 249, offshore Louisiana, gas volumes pursuant to a transportation agreement dated November 11, 1980, as modified on April 10, 1981. Applicants submitted that the proposed facilities would be designed for the delivery of up to 120,000 Mcf per day but would have a maximum capability of 200,000 Mcf. Applicants aver that the proposed facilities would be used by Applicants to assist each other in alleviating emergency situations via the exchange of natural gas.

It is asserted that upon commencement of service of the Northern Border Pipeline System Mich Wis has agreed to redeliver Northern's West Cameron area gas volumes to United Gas Pipe Line Company (United) at St. Mary Parish, Louisiana, to effectuate the authorized exchange between Northern and United. Applicants aver that when deliveries to United by Mich Wis commence the proposed facilities would continue to be available to alleviate emergency situations which may occur on Applicants' respective transmission systems. Applicants state that they entered into an agreement on June 16, 1981, which provides that Applicants deliver up to 100,000 Mcf of natural gas per day to the other if the deliveries can be made without impairment of the service obligations of the delivering party. Applicants further assert that the party which receives the emergency gas supplies is obligated to redeliver equivalent quantities at the proposed facilities within a period of sixty days.

Applicants estimate the cost of the proposed facilities to be \$1,822,170 which would be equally shared by Mich Wis and Northern. Such cost would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22679 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-625-000]

**Montana Power Co.; Filing**

July 30, 1981.

The filing Company submits the following:

Take notice that on July 22, 1981, Montana Power Company tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 58 and all its supplements, an agreement for the sale of firm energy between Montana and Public Company of New Mexico (New Mexico). Montana states that this agreement has expired as of its own terms and has not been renewed.

Montana requests an effective date of September 30, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22694 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-623-000]

**Montana Power Co.; Filing**

July 30, 1981.

The filing Company submits the following:

Take notice that on July 22, 1981, the Montana Power Company (Montana) tendered for filing a Notice of Cancellation of Rate Schedule FERC No.

55 and all its supplements, agreements for the sale of firm energy between Montana and Public Service Company of Colorado (Colorado). Montana states that these agreements have expired as of their own terms and have not been renewed.

Montana requests a retroactive effective date of September 30, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22695 Filed 8-31-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-622-000]

**Montana Power Co.; Filing**

July 30, 1981.

The filing Company submits the following:

Take notice that on July 22, 1981, The Montana Power Company (Montana) tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 46 and all its supplements, an agreement for the sale of firm energy between Montana and Tri-State Generation & Transmission Association, Inc. (Tri-State). Montana states that these agreements has expired as of their own terms and has not been renewed.

Montana requests a retroactive effective date of June 6, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22696 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-624-000]

**Montana Power Co.; Notice of Filing**

July 30, 1981.

The filing Company submits the following:

Take notice that on July 22, 1981, Montana Power Company (Montana) tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 56 and all its supplements, agreements for the sale of firm energy between Montana and Pacific Gas & Electric Company (Pacific). Montana states that these agreements have expired as of their own terms and have not been renewed.

Montana requests a retroactive effective date of September 30, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-22697 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. RP81-92-000]

**North Central Public Service Company and FirstMiss, Inc. v. Michigan Wisconsin Pipe Line Company; Complaint and Petition for Relief Pendente Lite and Permanently**

July 30, 1981.

Take notice that on July 8, 1981, North Central Public Service Company (North Central) and FIRSTMISS, INC. (FirstMiss) filed a "Complaint and Petition for Relief Pendente Lite and

Permanently". North Central is a customer of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) who purchases under both CD-1 and LVS-1 rate schedules, and supplies natural gas under the LVS-1 rate schedule to its customer, FirstMiss.

North Central and FirstMiss urge that: (1) Michigan Wisconsin be ordered to show cause on or before thirty days after service of this complaint why it should not make its OS-1 overrun service available to customers served under the LVS-1 tariff on the same terms and conditions as its CD-1 customers; (2) Pending final disposition of this complaint, Michigan Wisconsin be directed to make its OS-1 rate schedule available to LVS-1 customers under such terms and conditions as shall protect the complainants and pipeline from financial loss or injury; and (3) Michigan Wisconsin be summarily directed to make its OS-1 overrun service available to LVS-1 customers upon failure to present any meritorious reason for denial of such extension of service.

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 August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-22719 Filed 8-3-81; 8:45 am]

**BILLING CODE 6450-85-M**

**[Docket No. RP81-93-000]**

**Northwest Pipeline Corp.; Change in FERC gas Tariff**

July 28, 1981.

Take notice that on July 14, 1981, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets which represent a proposed change in

its FERC Gas Tariff, First Revised Volume No. 1.

**First Revised Sheet Nos. 122 through 131**

The tendered tariff sheets provide for a revision of Northwest's Purchased Gas Cost Adjustment provision contained in its Volume No. 1 Tariff. The proposed revisions contained in said filing will provide for a change in the methodology used to calculate the purchased gas cost adjustment and will not result in an increase or decrease in revenues. The proposed effective date is October 1, 1981.

A copy of this filing has been served on Northwest's Jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 10, 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. 81-22698 Filed 8-3-81; 8:45 am]

**BILLING CODE 6450-85-M**

**[Docket No. ID-1972-000]**

**John F. Opeka; Application**

July 29, 1981.

The filing individual submits the following:

Take notice that on July 21, 1981, John F. Opeka filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

- Vice President—Connecticut Light and Power Company
- Vice President—Hartford Electric Light Company
- Vice President—Western Massachusetts Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the

Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-22691 Filed 8-3-81; 8:45 am]

**BILLING CODE 6450-85-M**

**[Project No. 4854-000]**

**Joe G. Paesano; Application for Preliminary Permit**

July 31, 1981.

Take notice that Joe G. Paesano (Applicant) filed on June 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(4)] for Project No. 4854 to be known as the Coldwater Canyon Project located on Coldwater Creek in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Christopher D. Williams, Attorney, McCarty, Noone & Williams, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024; and Joe G. Paesano, 1330 F Street, Wasco, California 93280.

*Project Description*—The project would consist of: (1) a small diversion structure; (2) a 32,000-foot long, 10-inch diameter steel pipeline; (3) a powerhouse to contain one generating unit with a total rated capacity of 350 kW; and (4) a one-quarter mile long or two mile long transmission line to connect to an existing 12.5 kV transmission line. The average annual energy generation is estimated to be 2.5 million kWh.

*Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 30 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed

under the preliminary permit is estimated to be \$60,000.

**Competing Applications**—This application was filed as a competing application to the Coldwater Creek Project No. 3835 filed on December 5, 1980, by Hi-Head Hydro, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before August 28, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 81-22718 Filed 8-3-81; 8:46 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-28-001]

**Panhandle Eastern Pipe Line Co.;  
Change in Tariff**

July 28, 1981.

Take notice that on July 17, 1981 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1: Fortieth Revised Sheet No. 3-A Seventeenth Revised Sheet No. 3-B Fifth Revised Sheet No. 3-C.1 Fifth Revised Sheet No. 3-C.2 Fifth Revised Sheet No. 3-C.3 An effective date of September 1, 1981 is proposed.

Panhandle states that these revised tariff sheets reflect rate adjustments as follows:

- (1) A DCA Commodity Surcharge Adjustment pursuant to Section 16.6(e) of the General Terms and Conditions; and
- (2) A Rate Adjustment pursuant to Section 18.4 of the General Terms and Conditions, such adjustment reflecting a proposed Pipeline Supplier rate adjustment to be effective concurrently herewith; and
- (3) A PGA Adjustment pursuant to Section 18.2 of the General Terms and Conditions, such adjustment reflecting the current cost of gas and recovery of amounts in the deferred purchased gas cost account; and
- (4) A "Reduced PGA" rate, and projected incremental pricing surcharges for each direct sale non-exempt industrial boiler fuel facility and each sale-for-resale customer in accordance with Section 21 of the General Terms and Conditions; and
- (5) An Advance Payment tracking adjustment in accordance with Article VIII of the Stipulation and Agreement dated November 21, 1980 and the Commission's Order of January 27, 1981 in Docket No. PR80-78.

(6) A Purchased Gas Transmission and Compression and Transportation Revenue tracking adjustment pursuant to Article VI of the Stipulation and Agreement dated November 21, 1980 and the Commission's Order of January 27, 1981 in Docket No. PR80-78.

The PGA Rate Adjustment reflected herein includes Panhandle's pipeline supplier, Trunkline Gas Company's (Trunkline), purchases from a new supplier, Trunkline LNG Company (LNG Company). LNG Company has advised Trunkline that its facilities will be completed and capable of delivering gas on or before September 1, 1981, the effective date of the PGA rate change. In the event that LNG Company's deliveries to Trunkline are delayed

beyond that date, Trunkline will not charge its customers, including Panhandle, for that portion of the instant PGA Rate Adjustment related to purchases from LNG Company. Trunkline will include the LNG Company related charge in the billings to its customers, including Panhandle, during the month in which deliveries from LNG Company commence. Panhandle will not charge its customers for that portion of the instant PGA Rate Adjustment based on the cost of Trunkline's purchases from the LNG Company, 38.19 cents per Dekatherm as reflected on Fortieth Revised Sheet No. 3-A and Seventeenth Revised Sheet No. 3-B filed herewith, in the event that LNG Company's deliveries to Trunkline are delayed beyond the effective date of this rate change. Panhandle will include the 38.19¢ charge in the billings to its customers commencing with the month in which Trunkline bills Panhandle for deliveries from LNG Company.

Panhandle states that supporting computation sheets are enclosed and copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 10, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 81-22708 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP80-78-005, et al.]

**Panhandle Eastern Pipe Line Co., et al.;  
Filing of Pipeline Refund Reports and  
Refund Plans**

July 28, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date

of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 10, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

**Kenneth F. Plumb,**  
Secretary.

#### Appendix

Filing date	Company	Docket No.	Type filing
March 27, 1981.	Panhandle Eastern Pipe Line Company.	RP80-78-005	Plan.
July 13, 1981.	Lawrenceburg Gas Transmission Corporation.	RP78-37-008, et al.	Report.
July 15, 1981.	Midwestern Gas Transmission Company.	RP78-23-007	Report.
July 14, 1981.	United Gas Pipe Line Company.	RP77-107-006	Report.

[FR Doc. 81-22707 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

#### [Project No. 4917-000]

#### Plumas County Flood Control and Water Conservation District; Application for Preliminary Permit

July 30, 1981.

Take notice that Plumas County Flood Control and Water Conservation District (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4917 to be known as the Grizzly Creek Water Power Project located on Grizzly Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. Brock, Coordinator, PCFC&WCD, Rte. 1, Box 279, Quincy, California 95971.

**Project Description**—The proposed project would consist of: (1) an intake structure within the south bank of Grizzly Creek; (2) a 6,000-foot long diversion conduit; (3) a 36-inch diameter, 1,660-foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 4,000 kw. The Applicant estimates that the average energy output would be 15.6 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction.

Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with the preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be \$50,000.

**Competing Applications**—This application was filed as a competing application to the Consolidated Hydroelectric, Inc.'s Project No. 4256 filed on February 25, 1981, under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB at the above address. A copy of any

petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 81-22680 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

#### [Project No. 4915-000]

#### Plumas County Flood Control and Water Conservation District; Application for Preliminary Permit

July 30, 1981.

Take notice that Plumas County Flood Control and Water Conservation District (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4915 known as the Soda Creek Water Power Project located on Soda Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. Brock, Coordinator PCFC & WCD, Route 1, Box 279, Quincy, California 95971.

**Project Description**—The proposed project would consist of: (1) a diversion structure; (2) a 10,000-foot long pipeline or channel; (3) a 900-foot long penstock; (4) a powerhouse to contain one or two generating units with a total rated capacity of 4,500 kW; (5) a 4-mile long, 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company line. The average annual energy generation is estimated to be 19.8 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be \$50,000.

**Competing Applications**—This application was filed as a competing application to the Soda Creek Project No. 4379 filed on March 19, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices

of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4915. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 81-22681 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4916-000]

**Plumas County Flood Control and Water Conservation District; Application for Preliminary Permit**

July 31, 1981.

Take notice that Plumas County Flood Control and Water Conservation District

(Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4916 to be known as the Chips Creek Water Project located on Chips Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. Brock, Coordinator Plumas County Flood Control and Water Conservation District, Route 1, Box 279, Quincy, California 95971.

**Project Description**—The project would consist of: (1) a concrete diversion structure; (2) a 5,000-foot long diversion conduit; (3) a 825-foot long penstock; (4) a powerhouse with a total rated capacity of 1,440 kW; and (5) a 1.5-mile long transmission line. The average annual energy generation is estimated to be 7.0 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental and economic studies, and prepare a FERC license application. No new roads would be required to conduct the studies.

**Competing Applications**—This application was filed as a competing application to the Chips Creek Project No. 4085 filed on January 29, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protests, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a

party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 81-22720 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1969-000]

**Keith R. Potter; Notice of Application**

July 29, 1981.

The filing individual submits the following:

Take notice that on July 22, 1981, Keith R. Potter filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Illinois Power Company  
Director, Gould, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the



Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-22892 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-95-M

[Docket No. ER81-620-000]

**Public Service Co. of New Hampshire;  
Notice of Filing**

July 30, 1981.

The filing company submits the following:

Take notice that on July 21, 1981, Public Service Company of New Hampshire (PSNH) filed revisions to its contract between PSNH and Vermont Electric Power Company for the sale of unit power from PSNH's Merrimack Unit No. 2 generating unit. The revisions update the rate of return used in computing monthly investment charges under the agreement. PSNH states that the revisions will produce an increase in annual revenues of \$673,514 and requests a retroactive effective date of May 1, 1980, in accordance with the terms of the contract.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-22899 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-95-M

[Docket No. CP81-417-000]

**Texas Eastern Transmission Corp.;  
Application**

July 30, 1981.

Take notice that on July 16, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-417-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing

the transportation of natural gas for Public Service Electric and Gas Company (Public Service) for a limited term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Public Service has purchased through direct sale a supply of natural gas from Equitable Gas Company (Equitable). Applicant proposes to transport from Equitable for the account of Public Service up to 51,394 dekatherms (dt) equivalent of natural gas per day. It is submitted that Applicant would receive such gas at the existing point of interconnection between Applicant and Equitable located at Applicant's meter station 355 in Westmoreland County, Pennsylvania, or at other mutually agreeable existing points of receipt, and transport and redeliver equal quantities, less quantities retained for applicable shrinkage, to Public Service at the existing point of interconnection between Applicant and Public Service located at meter station 128 in Union County, New Jersey, or at other mutually agreeable existing points of redelivery.

Applicant further proposes that such transportation service be limited to a term commencing on the date of initial delivery and terminating on and including December 31, 1981.

For such transportation service, Applicant states that it would charge Public Service the presently applicable Rate Schedule TS-1 basic rate of 13.98 cents per dt equivalent under Applicant's Rate Schedule TS-1 provided, however, for quantities transported and delivered by Applicant which, when added to the quantities delivered to Public Service under Applicant's Rate Schedules TS-1 and SS-II and other transportation agreements exceed the combined total curtailment of natural gas sales to Public Service under Applicant's firm sales rate schedules, Applicant would charge Public Service the presently applicable effective Rate Schedule TS-1 excess rate of 16.02 cents per dt equivalent. It is further stated that, in addition, Applicant would retain applicable shrinkage which presently is 3 percent of all gas received for transportation from April 16 through November 15 of each year and 6 percent of all gas received for transportation from November 16 through April 15 of each year.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a

protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb**

*Secretary.*

[FR Doc. 81-22882 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-95-M

[Docket No. ER81-518-000]

**Toledo Edison Co.; Order Accepting  
for Filing and Suspending Revised  
Rates, Granting Waiver of Notice,  
Granting Intervention, and  
Establishing Hearing Procedures.**

Issued July 31, 1981.

On June 4, 1981, the Toledo Edison Company (TEC) filed a Seasonal Transmission Service Tariff and unexecuted service agreements for five of its municipal customers, the Cities of Bowling Green, Bryan, Edgerton, Montpelier, and Napoleon, Ohio (Municipals).<sup>1</sup> The tariff specifies the rates, terms, and conditions, under which TEC proposes to provide firm wheeling service for prescheduled seasonally available surplus power from

<sup>1</sup> See Attachment A for rate schedule designations.

Buckeye Power Inc. (Buckeye). The Municipals will substitute this Buckeye power for a portion of their current full requirements firm power purchases from TEC. According to TEC's transmittal letter, the transmission service commenced on April 1, 1981, at the Municipal's request. Consequently, TEC requests waiver of the notice requirements to allow a corresponding effective date for the tariff and service agreements.

The instant filing has been submitted as a result of a settlement agreement dated February 10, 1981, and approved in Docket No. ER80-571 by letter order dated April 21, 1981. That settlement involved TEC's most recent firm power rate increase to its full requirements municipal and cooperative wholesale customers. As part of the settlement, TEC agreed that it would negotiate with its municipal customers "in good faith to develop cost-based rates for transmission of prescheduled, seasonal power which is currently available to such customers from Buckeye Power, Inc. commencing as early as March, 1981." The agreement further provided that if the parties were unable to agree on a mutually satisfactory rate schedule for such service after a reasonable period of negotiations, TEC would unilaterally file a rate schedule with the Commission.

The cost support underlying the current filing is based on the Period II cost of service previously filed in Docket No. ER80-571. TEC indicates that the Municipals have requested wheeling service for April through October of 1981, and that it will receive \$270,218 for such service under the proposed rates.

Notice of the filing was issued on June 12, 1981, with responses due on or before July 2, 1981. On June 19, 1981, the Municipals filed a protest, petition to intervene, and joinder in request for waiver. On July 7, 1981, TEC filed a response to the Municipals' pleading.

The Municipals support TEC's request for waiver of notice and request that the Commission allow the rates to become effective, after a one day suspension, on April 1, 1981. While the Municipals appear not to challenge the terms and conditions applicable under the tariff, they do oppose the proposed rate level in one respect—the requested rate of return. The Municipals note that the rates proposed in this docket are based on an 11.01% overall rate of return and a 15.56% return on equity; they point out, however, that the cost of service study which TEC filed in Docket No. ER80-571, and on which TEC based the currently effective settlement firm power rates to the Municipals, indicates that the firm power rates were designed

to yield a 7.41% rate of return (based on the calendar 1980 test year). The Municipals further contend that inasmuch as TEC supplies firm power under those rates, TEC is, in effect, providing "bundled" requirements and firm transmission service at a 7.41% rate of return. On the other hand, if partial requirements are obtained elsewhere, a customer would be charged an "unbundled" transmission rate based on a substantially higher rate of return. The Municipals argue that, irrespective of the reasonableness of the currently requested rate of return in other respects, it is, nonetheless, unreasonably discriminatory and anticompetitive to seek a higher return for wheeling power purchased from a source other than TEC. Hence, the Municipals assert that the instant wheeling rates should reflect a rate of return no higher than that underlying TEC's full requirements, firm power rates.

TEC's response disputes the contentions that its claimed rate of return is inappropriate and would result in unduly discriminatory or anticompetitive consequences. However, TEC does not oppose the Municipals' requests for intervention or a one day suspension.

#### Discussion

The Commission finds that participation in this proceeding by the Ohio Cities of Bowling Green, Bryan, Edgerton, Montpelier, and Napoleon is in the public interest. Accordingly, the petition to intervene will be granted.

Our analysis of the filing indicates that the rates filed by TEC have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept the rates for filing and suspend them as directed below.

In a number of suspension orders,<sup>2</sup> we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in

circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here.

We note that the subject transmission service commenced on April 1, 1981, at the Municipals' request, and that they have proposed a one day suspension and have supported TEC's request for waiver of notice. Under these circumstances, we find that good cause exists to waive the notice requirements and we shall suspend the tariff and service agreements for one day to become effective on April 1, 1981, subject to refund pending hearing and decision.

Turning to another matter, we note that TEC, Buckeye, Cincinnati Gas and Electric Company (CGE), and four other utilities are parties to a Power Delivery Agreement dated January 1, 1968 (PDA), which provides for the participating companies to wheel power for Buckeye to the Buckeye member cooperatives. On June 7, 1979, in Docket No. EL79-20, Buckeye filed a complaint against CGE, stating that CGE had refused Buckeye's request that CGE wheel Buckeye power purchased by the City of Hamilton, Ohio, under the rates, terms, and conditions of the PDA. Buckeye further stated that CGE offered to provide the transmission service under a separate agreement at a higher rate. CGE, in turn, contended that wheeling power for municipals was beyond the scope of the PDA. The Commission set the matter for hearing, and an initial decision was issued on January 8, 1980.

Section 6 of the settlement agreement in Docket No. ER80-571 provides that the transmission of Buckeye power pursuant to the provisions of the rate schedule to be negotiated by TEC and its municipal customers (*i.e.*, the instant submittal) will be subject to the final Commission decision with respect to the issues raised in Docket No. EL79-20. Under the settlement, if it is finally determined in the complaint proceeding that a party to the PDA is obligated to wheel Buckeye power to municipals under the PDA, TEC will provide such transmission service pursuant to the provisions of the PDA in lieu of those contained in the instant submittal. The settlement further provides that if judicial review of the Commission's decision is sought, TEC will reduce the rates under the instant submittal by the amount receivable by TEC under the PDA, which resultant rate will remain in effect pending a final decision not subject to further appeal. In the event of court affirmation of the Commission's decision, TEC will refund any amounts paid for transmission of Buckeye power

<sup>2</sup> *E.g.*, *Bastan Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

in excess of amounts receivable for such service under the PDA after the date of the final Commission decision. The settlement also provides, however, that TEC will have no obligation to refund just and reasonable amounts collected for service rendered prior to the final Commission decision, including any decision on rehearing.

In view of these settlement provisions in Docket No. ER80-571, the applicability of the tariff and service agreements in this case shall be subject to the outcome of the Commission's final decision in Docket No. EL79-20. Furthermore, the rates proposed in the instant docket shall be subject to the modification and refund procedures incorporated in the settlement agreement.

The Commission orders:

(A) TEC's and the Municipals' request for waiver of the notice requirements is hereby granted.

(B) Toledo Edison Company's proposed tariff and service agreements tendered for filing on June 4, 1981, are hereby accepted for filing and suspended for one day to become effective on April 1, 1981, subject to refund.

(C) The applicability of the instant tariff and service agreements shall be subject to the outcome of a final Commission decision in Docket No. EL79-20. The rates under the instant tariff shall be subject to the modification and refund procedures specified in section 6 of the settlement agreement in Docket No. ER80-571.

(D) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I, (1980)], a public hearing shall be held concerning the justness and reasonableness of TEC's rates and service agreements.

(E) The Ohio Cities of Bowling Green, Bryan, Edgerton, Montpelier, and Napoleon are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further*, that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Such conference shall be held for purposes of expediting discovery, establishing a procedural schedule including a date for the submittal of testimony and exhibits by TEC, and pursuing other appropriate matters. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

#### Attachment A

Toledo Edison Company; Docket No. ER81-518-000

Dated: Undated

Filed: June 4, 1981

Other parties: Cities of Bowling Green, Bryan, Edgerton, Montpelier, and Napoleon, Ohio

#### FPC Electric Tariff, Original Volume No. 1

Tariff Sheets	Description
(1) Third Revised Sheet No. 1 and Original Sheet Nos. 34 through 39.	Table of Contents and Seasonal Transmission Service Tariff.

The following designations are applicable to each of the Cities listed above:

(2) Service Agreement (Transmission) under FPC Electric Tariff Original Volume No. 1.

(3) Supplemental to (2) above. (Exhibit B—Service Specifications-Transmission)  
[FR Doc. 81-22721 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-30-001]

#### Trunkline Gas Co.; Change in Tariff

July 29, 1981.

Take notice that on July 17, 1981, Trunkline Gas Company (Trunkline) tendered for filing Thirty-Seventh Revised Sheet No. 3-A and Fifth Revised Sheet No. 3-B to its FERC Gas Tariff, Original Volume No. 1. Trunkline submits that these revised tariff sheets reflect rate adjustments as follows:

(1) A PGA Rate Adjustment in

accordance with Section 18 of the General Terms and Conditions; which reflects increases in the current cost of gas and recovery of amounts in the deferred purchased gas cost account; and

(2) A "Reduced PGA" rate, and projected incremental pricing surcharges for each direct sale non-exempt industrial boiler fuel facility and each sale-for-resale customer in accordance with Section 21 of the General Terms and Conditions.

An effective date of September 1, 1981 is proposed.

Trunkline's PGA Rate Adjustment reflected herein includes purchases from a new supplier, Trunkline LNG Company (LNG Company). LNG Company has advised Trunkline that its facilities will be completed and capable of delivering gas on or before September 1, 1981, the effective date of the PGA rate change. In the event that LNG Company's deliveries to Trunkline are delayed beyond that date, Trunkline will not charge its customers for that portion of the instant PGA Rate Adjustment related to purchases from LNG Company, which is 120.26 cents per Dekatherm, as reflected on Thirty-seventh Revised Sheet No. 3-A filed herewith. Trunkline will include the 120.26 cent change in the billings to its customers during the month in which deliveries from LNG Company commence.

Trunkline states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22708 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP78-294-004]

**United Gas Pipe Line Co.; Petition To Amend**

July 30, 1981.

Take notice that on July 6, 1981, United Gas Pipe Line Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP78-294-004 a petition to amend the order issued September 7, 1978, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas to an additional redelivery point for Arkansas Louisiana Gas Company (Arkla) in St. Mary Parish, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued September 7, 1978, in Docket No. CP78-294 it was authorized to transport volumes of natural gas purchased by Arkla from production in Block 57, Eugene Island area, offshore Louisiana. It is stated that under the terms and conditions of a gas transportation agreement dated April 4, 1978, Petitioner agreed to transport up to 27,000 Mcf of gas per day for the account of Arkla from Block 32, Eugene Island area, offshore Louisiana, to points of redelivery in Bienville Parish, Louisiana, and Panola County, Texas. It is further stated that on February 27, 1980, Petitioner was authorized to transport at no cost up to 9,000,000 Mcf of gas for the account of Arkla from Block 32, Eugene Island area to the previously authorized onshore delivery points as proposed by the amendment to transportation agreement dated May 14, 1979.

Petitioner proposes herein to establish an additional redelivery point at the existing point of interconnection between the facilities of Petitioner and Louisiana Gas Corporation at Exxon Company's Garden City plant, St. Mary Parish, Louisiana, pursuant to a second amendatory agreement between Petitioner and Arkla dated June 1, 1981.

Petitioner proposes to charge Arkla an amount equal to Petitioner's transportation rate in effect from time to time in either Petitioner's Northern Rate Zone or Southern Rate Zone less any amount included in such transportation rates which is attributable to gas consumed in the operation of Petitioner's pipeline system. Petitioner states that the Southern Zone Rate would apply if both the delivery point and redelivery point or points are in the Southern Rate Zone, or otherwise, the Northern Zone Rate would apply. It is asserted that the current Northern Zone

Rate is 28.12 cents per Mcf and the current Southern Zone Rate is 23.46 cents per Mcf.

Petitioner asserts that all other terms and conditions of the April 4, 1978, agreement, as amended, are unchanged and remain in full force and effect.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22683 Filed 8-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-446-003]

**United Gas Pipe Line Co.; Petition To Amend**

July 30, 1981.

Take notice that on July 10, 1981, United Gas Pipe Line Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP79-446-003 a petition to amend the order issued January 8, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize transportation of natural gas from two additional delivery points and one additional redelivery point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued January 8, 1980, it was authorized to transport up to 20,000 Mcf of gas for Arkansas Louisiana Gas Company (Arkla). It is submitted that Petitioner currently receives the subject gas near Bayou Sale, St. Mary Parish, Louisiana, and transports and redelivers an equivalent quantity, less fuel and company-used gas, for Arkla's account at the outlet side of Champlin's East Texas Plant in Panola County, Texas, a point of interconnection at the Bistineau storage facility in Bienville Parish, Louisiana, and/or the interconnection of

Petitioner's 24-inch Carthage-Sterlington Line and Arkla's 12-inch ST-1 Line in Panola County, Texas.

Petitioner now proposes to receive gas at the existing interconnection of Petitioner's and Arkla's pipelines at the Bistineau storage facility in Bienville Parish, Louisiana, and at a new point of interconnection between the facilities of Arkla and Petitioner in Plaquemines Parish, Louisiana. Petitioner further proposes a new redelivery point at the existing interconnection of the facilities of Louisiana Intrastate Gas Corporation and Petitioner at Exxon Company U.S.A.'s Garden City Plant, St. Mary Parish, Louisiana.

Petitioner asserts that the delivery of gas at the Bienville point and the redelivery of gas at the St. Mary point would be through existing facilities while the Plaquemines point would require the construction of facilities. Petitioner further asserts that Arkla would construct, own and maintain at its own expense and subject to Petitioner's specifications all of the facilities required to deliver gas to Petitioner. It is stated that Petitioner would install the necessary tap and valve assembly on its line at an estimated cost of \$43,000 for which cost Petitioner would be reimbursed by Arkla.

For such service, it is submitted, Arkla would pay Petitioner an amount equal to Petitioner's transportation rate in effect from time to time in either Petitioner's Northern Rate Zone or Southern Rate Zone, less any amount included in such transportation rate which is attributable to gas consumed in the operation of Petitioner's pipeline system. It is further submitted that the current Northern Zone Rate is 28.12 cents per Mcf and the current Southern Zone Rate is 23.46 cents per Mcf. Petitioner asserts that the Southern Zone Rate would apply if both the delivery point and redelivery point or points are in the Southern Rate Zone; otherwise, the Northern Zone Rate would apply.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the

proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22684 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 4788-000]

**Utah Power & Light Co.; Application for Preliminary Permit**

July 31, 1981.

Take notice that the Utah Power and Light Company (Applicant) filed on June 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4788 known as the Woodruff Narrows Project located on the Bear River in Uinta County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sidney G. Baucom; Executive Vice President and General Counsel; 1407 West North Temple; Salt Lake City, Utah 84116.

**Project Description**—The proposed project would consist of: (1) the existing Woodruff Narrows Dam, a 65-foot high earthen structure with a crest length of 620.0 feet; (2) the existing Woodruff Narrows reservoir with a surface area of 2,200 acres at a mean surface elevation of 6452.5 feet (USGS datum); (3) a new trash rack; (4) new intake structure; (5) a new penstock; leading to (6) a new powerhouse containing new generators having a rated capacity of 2,500 kW; (7) a new subsection; (8) a new 12-kV transmission line, 6.75 miles long; and (9) appurtenant works. The Woodruff Narrows Dam and Reservoir are owned by the Utah Board of Water Resources. The Applicant estimates the annual energy generated by the proposed project would be 4,900,000 kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with

an application for an FERC license. Applicant estimates the cost of studies under the permit be \$15,000.

**Competing Applications**—This application was filed as a competing application to Project No. 4018 filed on January 11, 1981, by the Wyoming Power Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980), in determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4788. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each

representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-22722 Filed 8-3-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 2716-003]

**Virginia Electric & Power Co.; Application for Approval of Transfer of License and To Become Joint Licensees**

July 31, 1981.

Take notice that on July 1, 1981, Virginia Electric and Power Company (Veeco) (licensee for the Bath County Pumped Storage Project, FERC No. 2716), Allegheny Generating Company (AGC) (a Virginia corporation that will become a wholly owned subsidiary of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company, which are the operating subsidiaries of Allegheny Power System, Inc.) filed an application with the Federal Energy Regulatory Commission pursuant to the Federal Power Act 791(a)—825(r), seeking approval of transfer of license for the Bath County Pumped Storage Project NO. 2716 (Project) from Veeco to Veeco, AGC and possibly other entities<sup>1</sup> as joint licensees. The Project is a 2100 megawatt pumped storage hydroelectric facility currently under construction on Back Creek and Little Back Creek in Bath County, Virginia. Correspondence with the applicants should be addressed to: William W. Berry, President, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261 and Klaus Bergman, Esquire, c/o Allegheny Power Service Corporation, 320 Park Avenue, New York, New York 10022.

Veeco states that due to the sharply rising costs of construction and financing that have accompanied markedly lower growth rates in the demand for electric power, the cancellation of three of Veeco's previously planned nuclear units and the consequent adverse impact on Veeco's ability to pump the full capacity of the Bath County Pumped Storage as economically as originally planned, it is in the interest of Veeco's customers and

<sup>1</sup> Two other entities may be established as part of the proposed transaction: a corporation wholly owned by Veeco that may be established for the purpose of owning all or a portion of Veeco's interest in the Project; and an entity that may be established to facilitate the financing of the Project, and which would have legal title to a portion of the Project but would not have responsibility for the construction, operation or maintenance of the Project.

stockholders to sell a portion of the Bath County Pumped Storage Project and enter into a long-term commitment for the sale of capacity from the Project.

The Allegheny Power System companies, who will form AGC as a subsidiary to acquire an interest in the Project, state that they will require additional generating capacity in the mid-1980's due to the indefinite postponement of the 1,000 megawatt Davis Project in West Virginia and the 1,890 megawatt Lower Armstrong coal-fired generating station in Pennsylvania. The companies state they can use advantageously up to 40 percent of 50 percent of the Project or its capacity beginning in 1985.

Anyone desiring to be heard about this application should file a protest or a petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedures, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may be submitted by conforming to the procedures specified in § 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, by only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and must be received on or before September 11, 1981. A copy of the application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-22723 Filed 8-3-81; 8-3-81; 8:45 am]

BILLING CODE 6450-95-M

## ENVIRONMENTAL PROTECTION AGENCY

[EN-8-FRL 1855-3]

### General National Pollutant Discharge Elimination System Permit for Confined Animal Feeding Operations in Utah

AGENCY: Environmental Protection Agency (EPA), Region VIII.

ACTION: Notice of intent.

**SUMMARY:** Region VIII of the EPA is hereby giving notice of its tentative determination to issue a general National Pollutant Discharge Elimination System (NPDES) permit for

certain confined animal feeding operations (feedlots) in the State of Utah. The general permit will establish effluent requirements, prohibitions, Best Management Practices (BMPs), and other conditions for waste waters generated from these feedlots. The general feedlot permit will eventually replace essentially all individually issued NPDES feedlot permits in the State of Utah.

**DATES:** Public comment on this proposal must be on or before September 3, 1981.

**ADDRESS:** Public comments should be sent to: Mr. Roger E. Frenette (8E-WE), Chief, Water and Hazardous Waste Enforcement Branch, Enforcement Division, 1860 Lincoln Street, Suite 103, Denver, Colorado 80295.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marshall Fischer, Region VIII, at the above-listed address or telephone (303) 837-4901 or FTS 327-4901. Copies of the proposed permit and Statement of Basis will be provided upon request.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Section 301(a) of the Clean Water Act (CWA) provides that the discharge of pollutants is unlawful except in accordance with an NPDES permit. Under EPA's regulations (40 CFR 122.59), EPA may issue a single, general permit to a category of point sources within the same geographic area if the regulated sources:

- (1) Are involved in the same or substantially similar operation;
- (2) Generate and discharge the same types of waste;
- (3) Require the same permit effluent limitations and/or operating conditions;
- (4) Require similar monitoring requirements; and,
- (5) In the opinion of the Director of the NPDES permit program, are more appropriately controlled under a general permit than an individual permit.

As in the case of any individual permits issued under the NPDES program, violations of any condition of a general permit constitutes a violation of the CWA enforceable under Section 309 of the CWA.

Any owner or operator authorized by the general permit may be excluded from the general permit by applying for an individual permit. Criteria and procedures for such exclusion is published under 40 CFR 122.59(b) of the regulations and, therefore, need not be printed here.

##### B. Utah Feedlots

Utah is a non-NPDES State which means that EPA is the NPDES permit issuing authority. EPA currently has

approximately 11 individual feedlot NPDES permits issued within the State. Each of these permits currently contain (or would upon reissuance) the same prohibition against any discharge of process generated water (including contaminated storm runoff) except in the event of a 25-year, 24-hour storm. The 25-year, 24-hour precipitation event is the U.S. Department of Agriculture, Soil Conservation Service's storm retention design criteria for BMPs for feedlots and is Regional Best Conventional Pollutant Control Technology (BCT).

The general permit's conditions are, therefore, no more restrictive than the individual permits it will replace. The general permit may be applicable to more facilities than had previously been covered under individual permits. However, since these newly covered facilities are subject to statutory requirements, their coverage under the general permit does not subject them to any further responsibility under the CWA, but rather clarifies such responsibilities.

##### C. Economic impact

EPA has reviewed the effect of Executive Order 12291 on this proposed general permit and has determined the proposal not to be *major* under that order. The proposed permit will:

- (1) Result in substantial elimination of regulated facility paperwork by reducing or waiving permit applications and reducing routine reporting.
- (2) Clarify existing requirements which are currently in effect and support other existing State and Federal agency management requirements.
- (3) Provide for a shift of Federal, State, and local agency resources from administrative activities to surveillance/assistance activities for the regulated sources.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Water and Hazardous Waste Enforcement Branch, Enforcement Division, 1860 Lincoln Street, Suite 103, Denver, Colorado 80295.

Roger L. Williams,  
Regional Administrator, Region VIII.

After review of the facts presented in the Notice of Intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that the proposed general permit, when issued, will not have a significant impact on a

substantial number of small entities. This action imposes no new requirements. Moreover, it reduces a significant administrative burden on regulated sources.

July 29, 1981.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 81-22592 Filed 8-3-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-8-FRL 1855-4]

**General National Pollutant Discharge Elimination System Permit for Salt-Extraction Operations in Utah**

**AGENCY:** Environmental Protection Agency (EPA), Region VIII.

**ACTION:** Notice of intent.

**SUMMARY:** Region VIII of the EPA is hereby giving notice of its tentative determination to issue a general National Pollutant Discharge Elimination System (NPDES) permit for certain salt-extracting operations from the Great Salt Lake in the State of Utah. The general permit will establish effluent requirements, prohibitions, Best Management Practices (BMPs), and other conditions for waste waters generated from these facilities. The general salt-extraction permit will eventually replace essentially all individually-issued NPDES salt-extraction permits in the State of Utah.

**DATE:** Public comment on this proposal must be on or before September 3, 1981.

**ADDRESS:** Public comments should be sent to: Mr. Roger E. Frenette (8E-WE), Chief, Water and Hazardous Waste Enforcement Branch, Enforcement Division, U.S.E.P.A., 1860 Lincoln Street, Suite 103, Denver, Colorado 80295.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marshall Fischer, Region VIII, at the above-listed address or telephone (303) 837-4901 or FTS 327-4901. Copies of the proposed permit and Statement of Basis will be provided upon request.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Section 301(a) of the Clean Water Act (CWA) provides that the discharge of pollutants is unlawful except in accordance with an NPDES permit. Under EPA's regulations (40 CFR 122.59), EPA may issue a single, general permit to a category of point sources within the same geographic area if the regulated sources:

- (1) Are involved in the same or substantially similar operation;
- (2) Generate and discharge the same types of waste;

(3) Require the same permit effluent limitations and/or operating conditions;

(4) Require similar monitoring requirements; and,

(5) In the opinion of the Director of the NPDES permit program, are more appropriately controlled under a general permit than an individual permit.

As in the case of any individual permit issued under the NPDES program, violations of any condition of a general permit constitutes a violation of the CWA enforceable under Section 309 of the CWA.

Any owner or operator authorized by the general permit may be excluded from the general permit by applying for an individual permit. Criteria and procedures for such exclusion are published under 40 CFR 122.59(b) of the regulations and, therefore, need not be printed here.

**B. Utah Salt Extracting Facilities**

Utah is a non-NPDES State which means that EPA is the NPDES permit-issuing authority. EPA currently has four individual salt-extraction NPDES permits issued within the State. Each of these permits currently contain (or would upon reissuance) the same prohibition against the addition of materials to the intake waters from the Lake, in the salt-extraction process, or in the discharge to the Great Salt Lake.

The general permit's conditions are, therefore, no more restrictive than the individual permits it will replace. The general permit may be applicable to more facilities than had previously been covered under individual permits. However, since these newly-covered facilities are subject to statutory requirements, their coverage under the general permit does not subject them to any further responsibility under the CWA, but rather clarifies such responsibilities.

**C. Economic impact**

EPA has reviewed the effect of Executive Order 12291 on this proposed general permit and has determined the proposal not to be major under that order. The proposed permit will:

- (1) Result in substantial elimination of regulated facility paperwork by reducing or waiving permit applications and reducing routine reporting.
- (2) Clarify existing requirements which are currently in effect and support other existing State and Federal agency management requirements.
- (3) Provide for a shift of Federal, State, and local agency resources from administrative activities to surveillance/assistance activities for the regulated sources.

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

Roger L. Williams,  
Regional Administrator, Region VIII.

After review of the facts presented in the Notice of Intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that the proposed general permit, when issued, will not have a significant impact on a substantial number of small entities. This action imposes no new requirements. Moreover, it reduces a significant administrative burden on regulated sources.

Dated: July 29, 1981.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 81-22591 Filed 8-3-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-FRL-1869-5]

**Approval of Wyoming's and Montana's NPDES Programs to Regulate Federal Facilities**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final approval of requests by the States of Wyoming and Montana for authority to administer the National Pollutant Discharge Elimination System (NPDES) programs for Federal facilities.

**SUMMARY:** On May 18 and June 23, 1981, the Environmental Protection Agency (EPA) approved the requests by the States of Wyoming and Montana (respectively) to include regulation of Federal facilities under their State water pollution permit program responsibility. The States had previously been approved to participate in the NPDES program.

**FOR FURTHER INFORMATION CONTACT:** Allen J. Danzig, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460; 202-755-0750.

**SUPPLEMENTARY INFORMATION:** In 1977 Congress amended section 313 of the Clean Water Act (33 U.S.C. 1251, et seq.) to authorize States to regulate Federally owned or operated facilities under their water pollution control programs. Prior to the amendment, States, including those authorized pursuant to section 402(b) of the Clean Water Act to participate in the NPDES program, were precluded from regulating Federal facilities. Therefore, EPA in approving State programs under section 402(b)

reserved the authority to issue NPDES permits to Federal facilities.

With the passage of the 1977 amendments, EPA has been transferring NPDES authority over Federal facilities to approved States. Today's Federal Register notice is to announce the approval of the States of Wyoming and Montana's request to assume NPDES authority over Federal facilities.

Also included in this notice is a list of approved NPDES States indicating which have been granted Federal facilities and pretreatment authority.

Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama:		
Oct. 19, 1979.....	Oct. 19, 1979.....	Oct. 19, 1979.
California:		
May 14, 1973.....	May 5, 1978.....	
Colorado:		
Mar. 27, 1975.....		
Connecticut:		
Sept. 26, 1973.....		
Delaware:		
Apr. 1, 1974.....		
Georgia:		
June 28, 1974.....	Dec. 8, 1980.....	Mar. 12, 1981.
Hawaii:		
Nov. 26, 1974.....	June 1, 1979.....	
Illinois:		
Oct. 23, 1977.....	Sept. 20, 1979.....	
Indiana:		
Jan. 1, 1975.....	Dec. 9, 1978.....	
Iowa:		
Aug. 10, 1978.....	Aug. 10, 1978.....	
Kansas:		
June 28, 1974.....		
Maryland:		
Sept. 5, 1974.....		
Michigan:		
Oct. 17, 1973.....	Dec. 9, 1978.....	
Minnesota:		
June 30, 1974.....	Dec. 9, 1978.....	July 16, 1979.
Mississippi:		
May 1, 1974.....		
Missouri:		
Oct. 30, 1974.....	June 26, 1979.....	
Montana:		
June 10, 1974.....	June 23, 1981.....	
Nebraska:		
June 12, 1974.....	Nov. 2, 1979.....	
Nevada:		
Sept. 19, 1975.....	Aug. 31, 1978.....	
New York:		
Oct. 28, 1975.....	June 13, 1980.....	
North Carolina:		
Oct. 19, 1975.....		
North Dakota:		
June 13, 1975.....		
Ohio:		
Mar. 11, 1974.....		
Oregon:		
Sept. 26, 1973.....	Mar. 2, 1979.....	Mar. 12, 1981.
Pennsylvania:		
June 30, 1978.....	June 30, 1978.....	
South Carolina:		
June 10, 1975.....	Sept. 26, 1980.....	
Tennessee:		
Dec. 28, 1977.....		
Vermont:		
Mar. 11, 1974.....		
Virgin Islands:		
June 30, 1976.....		
Virginia:		
Mar. 31, 1975.....		
Washington:		
Nov. 14, 1973.....		
Wisconsin:		
Feb. 4, 1974.....	Nov. 26, 1979.....	Dec. 24, 1980.
Wyoming:		
Jan. 30, 1975.....	May 18, 1981.....	

Dated: June 23, 1981.

Richard D. Wilson,  
Acting Assistant Administrator for  
Enforcement.

#### Review Under the Regulatory Flexibility Act and Executive Order 12291

Under Executive Order 12291, EPA must prepare a Regulatory Impact Analysis for all rules which are classified under the Executive Order as "major."

The approval of the States of Wyoming and Montana's request for authority to administer the National Pollutant Discharge Elimination System (NPDES) program with respect to Federal facilities merely transfers responsibility for administration of the program from the Federal to the State government. No new substantive requirements are established by this action. Therefore, this notice is not a "major" rule. It does not trigger the requirement for preparation of a Regulatory Impact Analysis.

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

[FR Doc. 81-22593 Filed 8-3-81; 8:45 am]

BILLING CODE 6560-33-M

#### FEDERAL HOME LOAN BANK BOARD

[No. 81-423]

#### Plan for Review of Regulations Pursuant to the Regulatory Flexibility Act

July 29, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

**SUMMARY:** Pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610), the Board is publishing a plan for the periodic review of its regulations that have a significant economic impact upon a substantial number of small entities.

**FOR FURTHER INFORMATION, PLEASE CONTACT:** Peter M. Barnett, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) (the "Act") requires agencies to consider the effect on small entities of regulations of general applicability. As a part of this process, section 610 of the Act requires each agency to publish a plan for the periodic review of its regulations that have a significant economic impact on a substantial number of small entities. The plan must provide for the review of all agency rules in existence on January 1, 1981, within ten years of that date, and of all rules adopted after January 1, 1981, within ten years of adoption.

Since its regulation regarding regulatory simplification already

incorporates the substance of the policies and requirements of the Regulatory Flexibility Act, the Board believes that the most effective means to implement the Act is to incorporate its requirements expressly into existing procedures on regulatory simplification. See, Board Resolution No. 80-584 (September 11, 1980); 45 FR 63135 (September 23, 1980). Accordingly, the Board will review periodically each of its regulations, including regulations having a significant economic impact on a substantial number of small entities, to determine whether the regulation should be continued, revised or eliminated. Regulations will be evaluated considering:

- (1) Need for the regulations;
- (2) Alternative methods of achieving the regulatory purpose;
- (3) Public reaction to the regulation;
- (4) Burdens imposed by the regulation;
- (5) Possible simplification or clarification of the regulation;
- (6) Need to eliminate regulatory duplication; and
- (7) Change in economic or technological conditions since the regulation was last evaluated.

During September and March of each year, the Board will publish in the Federal Register an agenda of proposed regulations under development and existing regulations under review.

In 1978, the Board undertook a comprehensive effort to simplify, clarify and rewrite all of its regulations, and in 1979, revision of the regulations for the Federal Home Loan Bank System and the Federal Savings and Loan System were completed. Since passage of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-22, 94 Stat. 132), the Board has followed the congressional mandate to implement the new powers granted Federal savings and loan and to deregulate the savings and loan industry. As a result, the Board is reviewing many of its regulations further to remove unnecessary restrictions and to have business decisions with an institution's management. Examples of the Board's efforts in this regard include the new regulation on adjustable mortgage loans, investment in service corporations, and interest-rate futures transactions.

Because of changing economic conditions, the ongoing deregulation of savings and loan asset and liability powers, potential congressional action affecting the savings and loan industry, and the changing competitive posture of the savings and loan industry, the Board believes that it would be premature to establish a schedule for review of all



existing regulations at this time. Rather, the Board will publish periodically a list of the regulations then under review as part of its semiannual agenda. The semiannual agenda was published last on July 2, 1981. See, Board Resolution No. 81-383, July 2, 1981; 46 FR 35927, July 13, 1981. It is the Board's intent to complete its review of all existing regulations as rapidly as conditions permit but no later than January 1, 1981.

By the Federal Home Loan Bank Board.

J. J. Finn,  
Secretary.

[FR Doc. 81-22630 Filed 8-3-81; 8:45 am]

BILLING CODE 6720-01-M

## FEDERAL MARITIME COMMISSION

### Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 24, 1981 in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3983.

Filing party: Mr. Jerry A. Ganey, Director of Special Projects and Property Control, North Carolina State Ports Authority, P.O. Box 3248, Wilmington, North Carolina 28406.

Summary: Agreement No. T-3983, between the North Carolina State Ports Authority (Port) and Trans Freight Lines, Inc. (Trans Freight), provides for the lease of 7.5 acres of space at the Port of Wilmington, North Carolina, for the purpose of handling cargo, containers and related equipment. The agreement also provides that Trans Freight shall have the preferential use of a ship's berth on a basis to be determined by the parties.

As compensation, Trans Freight will pay Port an annual rental of \$75,000, as well as wharfage at the full tariff rate for the first 75,000 tons of containerized cargo handled, at 75 percent of the full rate on the next 25,000 tons, and at 50 percent of the full rate on all tonnage thereafter, with a guaranteed minimum of 75,000 tons of cargo subject to wharfage per contract year. The term of the lease is for three years, with the option to terminate the agreement at the end of the first year.

Agreement No. 2744-46.

Filing party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 21 West Street, New York, New York 10006.

Summary: Agreement No. 2744-46, among the members of the Atlantic and Gulf/West Coast of South America Conference, would amend Article 10 of the basic agreement by limiting membership to vessel operating common carriers.

Agreement No. 5700-28.

Filing party: Mr. George A. Quadrinc, Warren & Associates, P.C., 1100 Connecticut Ave., N.W., Washington, D.C. 20036.

Summary: Agreement No. 5700-28 modifies the basic agreement of the New York Freight Bureau by authorizing the Secretary/Chairman to execute amendments on behalf of the members.

Agreement No. 6200-22.

Filing party: Mr. Jeffrey F. Lawrence, Billing, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 6200-22 modifies the basic agreement of the U.S. Atlantic & Gulf/Australia-New Zealand Conference by increasing the admission fee for new members from \$10,000 to \$50,000.

Agreement No. 6200-23.

Filing party: Mr. Jeffrey F. Lawrence, Billing, Sher & Jones, P.C., 2033 K Street NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 6200-23 modifies the basic agreement of the U.S. Atlantic & Gulf/Australia-New Zealand Conference by authorizing the conference: (1) to conduct a cargo inspection service; (2) to collect and keep cargo and freight statistics and (3) to agree upon and publish uniform credit rules.

Agreements Nos. 7100-28, 7670-22, 7770-22 and 9214-28.

Filing party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, Attorneys at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreements Nos. 7100-26, 7670-22, 7770-22 and 9214-28 would amend the North Atlantic United Kingdom Freight Conference, the North Atlantic Baltic Freight Conference, the North Atlantic French Atlantic Freight Conference, and the North Atlantic Continental Freight Conference, respectively, to include, among the matters which may be agreed upon by Conference members, the establishment, maintenance, revision and cancellation of fees and allowances for the consolidation of cargo and tariff rules governing the application of any such fees and allowances.

Agreement No. 9615-32.

Filing party: John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9615-32 modifies the Iberian/U.S. North Atlantic Westbound Freight Conference by amending the amount of the bank guarantee in Article 18 of the basic agreement.

Agreement No. 9615-33.

Filing party: Mr. Jeffrey F. Lawrence, Billing, Sher & Jones, P.C., 2033 K Street NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9615-33 modifies the basic agreement of the Iberian/U.S. North Atlantic Westbound Freight Conference by authorizing the Conference Secretary and Conference Counsel to execute Merchant's Freight Contracts and Agreement modifications on behalf of the members.

Agreement No. 9836-10.

Filing party: Mr. Robert B. Yoshitomi, Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreement No. 9836-10 modifies the basic agreement of the Malaysia-Pacific Rate Agreement to comply with Federal Maritime Commission General Order 7.

Agreement No. 9982-16.

Filing party: Howard A. Levy, Esquire, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 9982-16 amends Articles VII and VIII of the Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference basic agreement by eliminating the unanimity requirement for votes taken by telephone and telex poll.

Agreement No. 10108-6.

Filing party: Mr. George A. Quadrino, Warren & Associates, P.C., 1100 Connecticut Ave. NW., Washington, D.C. 20036.

Summary: Agreement No. 10108-6 modifies the basic agreement of FMC Agreement No. 10108 by authorizing the Agreement Secretary to execute agreement modifications on behalf of the parties or to appoint the agreement counsel to execute such modifications.

Agreement No. 10117-6.

Filing party: Mr. Marc J. Fink, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 10117-6 modifies the basic Agreement of the U.S. North Atlantic Spain Rate Agreement by authorizing the Agreement's Secretary and Counsel to execute amendments on behalf of the parties.

Agreement No. 10117-7.

Filing party: Marc J. Fink, Esq., Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 10117-7 would amend Article 1 of the U.S. North Atlantic Spain Rate Agreement by enlarging the scope of the basic agreement to include inland points in the United States.

Agreement No. 10261-9.

Filing party: Mr. Marc J. Fink, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 10261-9 modifies the basic agreement of the U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement by authorizing the Agreement Secretary and Counsel to execute amendments on behalf of the parties.

Agreement No. 10261-10.

Filing party: Marc J. Fink, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 10261-10 would extend the geographic scope of the U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement to cover inland points in the United States.

By Order of the Federal Maritime Commission.

Dated: July 29, 1981.

Francis C. Hurney,  
Secretary.

[FR Doc. 81-22562 Filed 8-3-81; 8:45 am]  
BILLING CODE 6730-01-M

#### [Independent Ocean Freight Forwarder License No. 1895]

#### Sherman K. Robbins; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean

freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Sherman K. Robbins, P.O. Box 52092, Houston, TX 77052 was cancelled effective July 23, 1981.

By letter dated July 13, 1981, Sherman K. Robbins was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1895 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Sherman K. Robbins has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1895 be and is hereby revoked effective July 23, 1981.

It is ordered, that Independent Ocean Freight Forwarder No. 1895 issued to Sherman K. Robbins be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Sherman K. Robbins.

Albert J. Klingel, Jr.

Director Bureau of Certification and Licensing.

[FR Doc. 81-22564 Filed 8-3-81; 8:45 am]  
BILLING CODE 6730-01-M

#### Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Royal International Cargo, 1150 N.W., 72nd Avenue, Suite 207, P.O. Box 440295, Miami, FL 33144; Officers: Caridad Nenedi, President, Yolanda R. Diaz, Vice President  
Cargo Forwarding Inc., 168-01 Rockaway Blvd., Jamaica, NY 11434;

Officers: Luther Brazier, President/Director, Mary Brazier, Director, Philip Gurner, Vice President, Nicola Mary Brazier, Secretary/Treasurer  
Crescent Air Freight, Ltd., 161-15 Rockaway Blvd., Suite 102, Jamaica, NY 11434; Officers: Shoukak A. Shariff, President, Rashida Shariff, Vice President/Secretary  
Centurion Shipping Co., Ltd., 14 Longview Drive, Monroe, CT 06468; Officers: Thomas Morganti, President/Treasurer, Arlene Morganti, Secretary.

By the Federal Maritime Commission.

Dated: July 29, 1981.

Francis C. Hurney,  
Secretary.

[FR Doc. 81-22563 Filed 8-3-81; 8:45 am]  
BILLING CODE 6730-01-M

#### Agreements Filed; Correction

Agreement No. T-3930-B.

Filing party: John C. Barnett, Assistant Chief, Leases and Operating Agreements Division, The Port of New York and New Jersey, One World Trade Center, New York, New York 10068.

Summary: Notice of the filing of Agreement No. T-3930-B appeared in the Federal Register on July 16, 1981, page 36943. The last sentence of the notice's summary incorrectly referred to Agreement No. T-3930-B in connection with the actual letting of the crane, whereas the reference should have been to Agreement No. T-3930-A.

Dated: July 29, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,  
Secretary.

[FR Doc. 81-22566 Filed 8-3-81; 8:45 am]  
BILLING CODE 6730-01-M

#### [Independent Ocean Freight Forwarder License No. 2158]

#### M.A. Parsons Customhouse Broker (Mark Andrew Parsons, DBA); Order of Revocation

M. A. Parsons Customhouse Broker, (Mark Andrew Parsons, dba), 1109 E. Janis Street, Carson, CA 90746 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2158.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 2158

issued to M. A. Parsons Customhouse Broker (Mark Andrew Parsons, dba), be revoked effective July 23, 1981 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2158 issued to M. A. Parsons Customhouse Broker (Mark Andrew Parsons, dba) be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon M. A. Parsons Customhouse Broker (Mark Andrew Parsons, dba).

Albert J. Klingel, Jr.

*Director, Bureau of Certification and Licensing.*

[FR Doc. 81-22565 Filed 8-3-81; 8:45 am]

BILLING CODE 6730-01-M

#### [Independent Ocean Freight Forwarder License No. 46]

#### Garcia & Fabregas Inc.; Order of Revocation

On May 30, 1981, Garcia & Fabregas Inc., 45 John Street, New York, N.Y. 10038 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 46.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 46 issued to Garcia & Fabregas Inc., be revoked effective July 22, 1981 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 46 issued to Garcia & Fabregas Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Garcia & Fabregas Inc.

Albert J. Klingel, Jr.,

*Director, Bureau of Certification and Licensing.*

[FR Doc. 81-22663 Filed 8-3-81; 8:45 am]

BILLING CODE 6730-01-M

#### FEDERAL RESERVE SYSTEM

#### ABN Co., Inc., Formation of Bank Holding Company

ABN Company, Inc., Wilmington, Delaware, has applied for the Board's

approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of LaSalle National Corporation, Chicago, Illinois, and thereby indirectly acquire LaSalle National Bank, Chicago, Illinois. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 29, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-22040 Filed 8-3-81; 8:45 am]

BILLING CODE 6210-01-M

#### B/W Bancshares, Inc.; Formation of Bank Holding Company

B/W Bancshares, Inc., Whitesburg, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent or more of the voting shares of The Bank of Whitesburg, Whitesburg, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 29, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-22842 Filed 8-3-81; 8:45 am]

BILLING CODE 6210-01-M

#### Dalhart Bancshares, Inc.; Formation of Bank Holding Company

Dalhart Bancshares, Inc., Dalhart, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Citizens State Bank of Dalhart, Dalhart, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 28, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-22643 Filed 8-3-81; 8:45 am]

BILLING CODE 6210-01-M

#### First Bankers Corporation of Florida; Acquisition of Bank

First Bankers Corporation of Florida, Pompano Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Boca Raton National Bank, Boca Raton, Florida. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System July 28, 1981.

**D. Michael Manies,**  
*Assistant Secretary of the Board.*

[FR Doc. 81-22631 Filed 8-3-81; 8:45 am]

**BILLING CODE 6210-01-M**

### **First National Charter Corp.; Acquisition of Bank**

First National Charter Corporation, Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of First National Bank of Lebanon, Lebanon, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 28, 1981.

**D. Michael Manies,**  
*Assistant Secretary of the Board.*

[FR Doc. 81-22632 Filed 8-3-81; 8:45 am]

**BILLING CODE 6210-01-M**

### **Flagship Banks, Inc.; Acquisition of Bank**

Flagship Banks, Inc., Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Flagship National Bank of Indian River County, Vero Beach, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in

writing to the Reserve Bank to be received not later than August 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 28, 1981.

**D. Michael Manies,**  
*Assistant Secretary of the Board.*

[FR Doc. 81-22633 Filed 8-3-81; 8:45 am]

**BILLING CODE 6210-01-M**

### **Freeborn Financial Services, Inc.; Formation of Bank Holding Company**

Freeborn Financial Services, Inc., Freeborn, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First State Bank of Freeborn, Freeborn, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Freeborn Financial Services, Inc., Freeborn, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Freeborn Agency, Inc., Freeborn, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency operating in a community with a population of less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Freeborn, Minnesota, and the geographic area to be served is the eastern one-quarter of Faribault County and the western one-quarter of Freeborn County, Minnesota. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or

unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than August 28, 1981.

Board of Governors of the Federal Reserve System, July 29, 1981.

**D. Michael Manies,**  
*Assistant Secretary of the Board.*

[FR Doc. 81-22634 Filed 8-3-81; 8:45 am]

**BILLING CODE 6210-01-M**

### **LaSalle National Corp.; Formation of Bank Holding Company**

LaSalle National Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent or more of the voting shares of LaSalle National Bank, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 28, 1981.

**D. Michael Manies,**  
*Assistant Secretary of the Board.*

[FR Doc. 81-22635 Filed 8-3-81; 8:45 am]

**BILLING CODE 6210-01-M**

**Nebanco, Inc.; Acquisition of Bank**

Nebanco, Inc., Wallace, Nebraska, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 23.8 per cent of the voting shares of American State Bank, McCook, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 28, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-22638 Filed 8-3-81; 8:45 am]

BILLING CODE 6210-01-M

**NS&T Bankshares, Inc.; Formation of Bank Holding Company**

NS&T Bankshares, Incorporated, Washington, D.C., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to NS&T Bank, National Association, Washington, D.C. The factors that are considered in acting on the application are set in section (c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 29, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-22637 Filed 8-3-81; 8:45 am]

BILLING CODE 6210-01-M

**State Bancshares of Ulen, Inc.; Formation of Bank Holding Company**

State Bancshares of Ulen, Inc., Ulen, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 64 per cent or more of the voting shares of Northwestern State Bank of Ulen, Ulen, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 28, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-22638 Filed 8-3-81; 8:45 am]

BILLING CODE 6210-01-M

**The Bradley Corp.; Formation of Bank Holding Company**

The Bradley Corporation, Bradley, Arkansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87 percent or more of the voting shares of The Bank of Bradley, Bradley, Arkansas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 28, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-22639 Filed 8-3-81; 8:45 am]

BILLING CODE 6210-01-M

**FEDERAL TRADE COMMISSION****Early Termination of the Waiting Period of the Premerger Notification Rules; H. J. Wilson and Standard Sales of Florida Inc.****Correction**

In FR Doc. 81-21948, appearing on page 38586, in the issue of Tuesday, July 28, 1981, the ACTION line which reads:

**ACTION:** Granting of request for early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Standard Sales of Florida Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by H. J. Wilson. Neither agency intends to take any action with respect to this acquisition during the waiting period.

should be corrected to read:

**ACTION:** Granting of request for early termination of the waiting period of the premerger notification rules.

**SUMMARY:** H. J. Wilson is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Standard Sales of Florida Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by H. J. Wilson. Neither agency intends to take any action with respect to this acquisition during the waiting period.

BILLING CODE 1505-01-M

**Early Termination of the Waiting Period of the Premerger Notification Rules**

**AGENCY:** Federal Trade Commission.

**ACTION:** Granting of request of early termination of the waiting period of the premerger notification rules.

**SUMMARY:** Kenneth M. Good is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Tosco Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Kenneth M. Good. Neither agency intends to take any action with respect to this acquisition during the waiting period.

**EFFECTIVE DATE:** July 7, 1981.

**FOR FURTHER INFORMATION CONTACT:** Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

**SUPPLEMENTARY INFORMATION:** Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,  
Secretary.

[FR Doc. 81-22667 Filed 8-3-81; 8:45 am]  
BILLING CODE 6750-01-M

#### Early Termination of the Waiting Period of the Premerger Notification Rules

**AGENCY:** Federal Trade Commission.

**ACTION:** Granting of request for early termination of the waiting period of the premerger notification rules.

**SUMMARY:** The Elder-Beerman Stores Corp. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Margo's La Mode Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Elder-

Beerman. Neither agency intends to take any action with respect to this acquisition during the waiting period.

**EFFECTIVE DATE:** June 23, 1981.

**FOR FURTHER INFORMATION CONTACT:** Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

**SUPPLEMENTARY INFORMATION:** Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,  
Secretary.

[FR Doc. 81-22668 Filed 8-3-81; 8:45 am]  
BILLING CODE 6750-01-M

#### GENERAL SERVICES ADMINISTRATION

##### Report on Amended Systems Under the Privacy Act of 1974

**AGENCY:** General Services Administration.

**ACTION:** Notification of amended systems of records.

**SUMMARY:** The purpose of this document is to give notice pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, of intent to amend two systems of records that are maintained by GSA. The systems of records, Manpower and Payroll Statistics System (MAPS) GSA/PPFM-4 and Security Staff Files GSA/HRO-37, are being amended to reflect correlation between the two systems and with other systems of records being maintained by GSA. As no new information is being collected by GSA, the proposed amendments are not considered as being within the purview of the provisions of 5 U.S.C. 552a(o) which would require submission of an altered report to Congress and the Office of Management and Budget.

**DATE:** Any interested party may submit written comments regarding the proposal. To be considered, comments must be received on or before September 3, 1981. The amendment shall become effective as proposed without

further notice on the 30th day following publication of this notice unless comments are received that would result in a contrary determination.

**ADDRESS:** Address comments to General Services Administration (HRAR), Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Hiebert, Chief, Records Management Branch, Information Management Division, (202) 566-0673.

#### SUPPLEMENTARY INFORMATION:

##### Background

The present Manpower and Payroll Statistics System (MAPS) is a comprehensive computerized payroll and personnel statistics information system with the dual purpose of paying employees salaries and providing for related accounting and statistical reporting. Thus, the system achieves multiple benefits from each data element introduced into it. The present system was designed to meet payroll and personnel statistical needs and to provide a number of outputs to the payroll and personnel offices and to the Office of Personnel Management. To further capitalize upon the existing computerized information, the present automated system is being redesigned to broaden the coverage to include functional areas that are personnel oriented such as personnel security, safety, equal employment opportunity (EEO), employee development and training, and special employment programs as well as system generated Official Notification of Personnel Actions. The file will utilize core personnel data elements with each functional area having unique data elements of its own. These data elements are already covered by other systems of records notices that have been published by GSA, the Office of Personnel Management, and the Equal Employment Opportunity Commission. The purpose of this notice is to show the correlation between this system and the other systems. For purposes of this notice, the name of the system of records is being changed from the Manpower and Payroll Statistics System (MAPS) to the Human Resources Files. Implementation will be in stages as the system is upgraded to support the files. The Personnel Security Clearance and Statistical Records segment is scheduled for implementation on October 1, 1981, with the other segments following at later dates.

The amended system of records notice GSA/PPFM-4 (23-00-0035) will read as follows:

**GSA/PPFM-4 (23-00-0035)****SYSTEM NAME:**

Human Resources Files.

**SYSTEM LOCATION:**

The system is located in the General Services Administration Central Office service and staff offices and other GSA offices at the following addresses:

GS Building,  
18th and F Streets NW.,  
Washington, DC 20405  
Crystal Mall Building 4,  
1941 Jefferson Davis Highway,  
Arlington, VA 20406  
Archives Building,  
7th and Pennsylvania Avenue NW.,  
Washington, DC 20408  
John W. McCormack Post Office and  
Courthouse,  
Boston, MA 02109  
Jacob K. Javits Federal Building,  
26 Federal Plaza,  
New York, NY 10007  
Regional Office Building,  
9th and Market Streets,  
Philadelphia, PA 19107  
Edward A. Garmatz Building,  
Baltimore, MD 21201  
Richard B. Russell Federal Building,  
75 Spring St. NW.,  
Atlanta, GA 30303  
John C. Kluczynski Federal Building,  
230 South Dearborn Street,  
Chicago, IL 60604  
General Services Administration,  
1500 E. Bannister Road,  
Kansas City, MO, 64131  
Fritz G. Lanham Federal Building,  
819 Taylor Street,  
Ft. Worth, TX 76102  
Denver Federal Center Complex, Building 41,  
Denver, CO 80225  
General Services Administration,  
525 Market Street,  
San Francisco, CA 94105  
GSA Center,  
Auburn, WA 98002  
GSA Regional Office Building,  
7th and D Streets SW.,  
Washington, DC 20407

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals include employees and former employees of the General Services Administration and of commissions, committees, and small agencies serviced by GSA including applicants for employment and those persons in intern, youth employment, and work study programs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The separate files in the system consist of payroll records, employee development and training records, personnel security records, safety records, EEO records, and personnel records. Each file utilizes data elements of the core system but also has unique data elements of its own. Records

consists of information accumulated by operating officials as well as personnel, security, safety, civil rights, and finance officials in administering their respective program areas in matters for or about employees. In addition, the system contains data necessary to update the Central Personnel Data File at the Office of Personnel Management, to process personnel actions, to perform detailed accounting distributions, to automatically provide for such tasks as mailing checks and bonds, and to prepare and mail tax returns and reports. Accordingly the system contains a large number of records which may include, but are not limited to, the following categories of records:

1. Employee identification and status data such as name, social security number, date of birth, sex, work schedule, type of appointment, education, veteran's preference, military service, and race/national origin.
2. Employee date data such as service computation date for leave, date probationary period began, and date of performance rating.
3. Position and pay data such as pay plan, occupational series, grade, step, salary, organization location, and accounting distribution.
4. Award and suggestion data such as type of award, amount, suggestion number, estimated benefits, amount, and performance rating.
5. Employment data such as merit pool identifier, position description, special employment program, and target occupational series and grade.
6. Payroll data such as time; attendance; leave; Federal, State, and local tax; allotments; savings bonds; and other pay allowances and deductions.
7. Personnel security data such as security clearance level and basis with dates.
8. Employee development and training data such as type of training, course title, date training completed, hours of training, cost of training, and employee and supervisor's evaluation of training.
9. Equal employment opportunity data such as EEO complainant, complaint basis, decision finding, corrective action, EEO counselor, data entered collateral duty, and number of individuals counseled.
10. Tables of data for editing, reporting, and processing personnel and pay actions. These include Nature of Action Codes, Civil Service Authority Codes, Standard Remarks, Signature Table, Position Title Table, Organization Table, and Salary Table.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C., Part III, is the authority for the overall system. Specific authority for use of Social Security numbers is contained in Executive Order 9397, 26 CFR 31.6011(b)2, and 26 CFR 31.6109-1. The authority for the personnel security clearance and statistical records is contained in Executive Order 10450, April 27, 1953, as amended; Executive Order 12065, June 28, 1978; 31 U.S.C. 686; and 40 U.S.C. 318 (a) through (d). The authority for the EEO records is contained in the Equal Employment Opportunity Act of 1972, 42 U.S.C. 2000e-16; the Civil Service Reform Act of 1978; 5 U.S.C. 7201; and 29 CFR 1613, Subpart C.

**PURPOSE:**

This system is a comprehensive computerized information system supporting the day to day operating requirements associated with personnel oriented program areas from hiring employees, paying employees, and training employees to calculating estimated retirement annuities. Thus, the system, which is patently designed to meet payroll and personnel statistics needs of all types and sizes of Government organizations, achieves multiple benefits from each data element introduced into the system. To accomplish the above, the system can and does provide a number of outputs. For the payroll office, outputs include a comprehensive payroll; detailed accounting distribution of costs; leave data summary reports; an employee's statement of earnings, deductions, and leave every payday for each employee; State, city, and local unemployment compensation reports; Federal, State, and local tax reports; W-2 wage and tax statements; and reports of withholdings and contributions. For the Office of Personnel, the system produces automated personnel actions as well as organization rosters, retention registers, retirement calculations, reports of the Federal civilian employment, employee master record printouts, length of service and awards lists, and listings of within-grade increases. For the Office of Security and Occupational Safety and Health, the system produces reports for the issuance of security and ADP clearances and information on personal injuries. For the Office of Civil Rights, the system produces reports that aid in monitoring personnel actions to determine if personnel policies and/or practices have a disparate impact on minorities, women, or disabled persons; analyzing the status of minorities, women, and disabled persons in GSA's

work force; establishing affirmative action goals and timetables; evaluating civil rights programs; processing and adjudicating discrimination complaints; and reporting to the Congress, Equal Employment Opportunity Commission, Office of Management and Budget, and Office of Personnel Management, among others. For the Office of Employee Development and Training, the system produces reports to include status of training, organizational summary of training, nationwide summary of training, monthly summary of training, organizational summary of training hours by type, regional summary of training hours by type, quarterly summary of training hours by type, training by source, and cumulative records of employee training.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.**

Routine uses of records maintained in the system include:

- a. Providing data to the Office of Personnel Management's Central Personnel Data File (CPDF).
- b. Providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520.
- c. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Assistant Administrator for Plans, Programs, and Financial Management, General Services Administration (B), Washington, D.C. 20405.
- d. To the extent necessary, records, are available outside GSA to monitor and document grievance proceedings, EEO complaints, and adverse actions; to provide reference to other agencies and persons for employees seeking employment elsewhere; to conduct counseling sessions; and to prepare biographical sketches of employees for release to other agencies and persons.
- e. The executive health maintenance list is a listing of all employees over 40 years of age who are qualified for the Executive Health Maintenance Program according to parameters set by each region. The listing is available upon request to management officials and

Health Unit officials on a need-to-know basis.

f. The routine use statements A, B, C, D, E, F and G, described in the appendix following the GSA notices, also apply to this system of records.

g. Information in the personnel security file is supplied to the Office of Security and Occupational Safety and Health. The routine uses listed in the GSA system of records GSA/HRO-37, Security Staff Files, also apply to the use of this information.

h. Information in the employee development and training file is supplied to the Office of Employee Development and Training. The routine uses listed in the Office of Personnel Management system of records OPM/GOVT-1 also apply to the use of this information. Additionally, this file will be used to measure actual progress against planned training, prepare analyses of training data, and aid in evaluations for merit promotions.

i. Information in the equal employment opportunity file is supplied to the Office of Civil Rights. The routine uses listed in the Equal Employment Opportunity Commission system of records EEOC/GOVT-1 also apply to the use of this information. In addition this data will be used to provide support to the Director of Civil Rights, Central Office division directors, and Regional EEO officers in the performance of their responsibilities.

j. Information in the personnel file is supplied to the Office of Personnel. The routine uses listed in the Office of Personnel Management system of records OPM/GOVT-1 apply to the use of this information.

**POLICIES AND PRACTICES AND STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records in file folders, card files, and cabinets; microfilm records in reels and cabinets; microfiche in cabinets; magnetic tapes and cards in cabinets and storage libraries; and computer records within a computer and attached equipment.

**RETRIEVABILITY:**

Filed alphabetically by name, by social security number, or both methods at each location for each person.

**SAFEGUARDS:**

When not in use by an authorized person, these records are stored in lockable metal containers or in secured rooms. Passwork system protects access to the computerized records. Information is released only to authorized officials on a need-to-know basis.

**RETENTION AND DISPOSAL:**

Disposition of records shall be in accordance with the HB, CSA Records Maintenance and Disposition System (OADP 1820.2).

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, System, Staff, Finance Division, General Services Administration (6BCS), 1500 E. Bannister Road, Kansas City, MO 64131 is the system manager for the payroll data. H MAPS Project Director, Office of Human Resources and Organization, General Services Administration, 18th and F Sts. NW., Washington, DC 20405 is the system manager for all other data.

**NOTIFICATION PROCEDURE:**

Individuals may obtain information about whether they are part of this system of records from the following sources:

- a. Portion of system relating to personnel records: Director of Personnel (HP), General Services Administration, 18th and F Streets NW., Washington, DC 20405.
- b. Portion of system relating to finance or payroll records: Director of Finance (BC) General Services Administration, 18th and F Streets NW., Washington, DC 20405.
- c. Portion of system relating to personnel security or safety records: Director, Office of Security and Occupational Safety and Health (HS), General Services Administration, 18th and F Streets NW., Washington, DC 20405.
- d. Portion of system relating to EEO: Director of Civil Rights (HO), General Services Administration, 18th and F Streets NW., Washington, DC 20405.
- e. Portion of system relating to employee development and training: Director of Employee Development and Training (HD), General Services Administration, 18th and F Streets NW., Washington, DC 20405.

**RECORD ACCESS PROCEDURES:**

Requests to access records should be directed to the officials listed in the notification procedures portion of this notice. For written requests, employees should provide full name, social security number, address, telephone number, and approximate dates and place of employment. For identification requirements, refer to the agency regulations as outlined in 41 CFR 105-64.

**CONTESTING RECORD PROCEDURES:**

GSA rules for access to records and for contesting contents and appealing initial determinations are promulgated



in 41 CFR 105-64, published in the Federal Register.

**RECORD SOURCE CATEGORIES:**

The individuals themselves, other employees, supervisors, other agencies management officials, non-Federal sources such as private firms, and data from the systems of records GSA/HRO-37, OPM/GOVT-1, and EEOC/GOVT-1.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

In accordance with 5 U.S.C. 552a(k), the personnel security files in this system of records are exempt from subsections (c)(3); (d); (e)(1), (e)(4)(G), (H), and (I); and (f) of the act.

The system of records notice GSA/HRC-37 (23-00-0110) was last published in the Federal Register on August 29, 1980, 45 FR 57872, and is amended to read as follows:

**SYSTEM NAME:**

Security Staff Files

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records in card file folders, microfiche in cabinets, and computer records in conjunction with the system of records GSA/PPFM-4 and attached equipment.

**RETRIEVABILITY:**

Paper records are retrieved manually by name from files that are indexed alphabetically and filed numerically by location and incident. Microfiche and computer records are filed alphabetically and by social security number.

**SAFEGUARDS:**

Records stored in locked, alarmed room and/or three way combination dial safes with access limited to authorized employees. Password system protects access to computer records. Information is released only to authorized officials on a need-to-know basis.

\* \* \* \* \*

Dated: July 21, 1981.

Jon R. Halsall,

Acting Director of Administrative Services.

[FR Doc. 81-22611 Filed 8-3-81; 8:45 am]

BILLING CODE 6820-34-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. 81-0161]

**Springborn Institute for Biorsearch, Inc.; Filing of Food Additive Petition; Correction**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice, correction.

**SUMMARY:** In FR Doc. 81-17565 appearing at page 31519 in the Federal Register of Tuesday, June 16, 1981, the following corrections are made: (1) in the fifth line under the "Summary" heading and in the twelfth line under the "Supplementary Information" heading, "1,4-benzenedicarboxylic acid, polymer with 1,4-butanediol and o-hydro-w-hydroxy poly (oxy-1,4-butanediyl)" is changed to read "1,4-benzenedicarboxylic acid, dimethyl ester, polymer with 1,4-butanediol and o-hydro-w-hydroxy poly(oxy-1,4-butanediyl)"; and (2) in the eighth line under the "Supplementary Information" heading, "§ 178.3790 *Polmer modifiers in semirigid and rigid vinyl chloride plastics* (21 CFR 178.3790)" is changed to read "paragraph (e)(4) of § 177.1630 *Polyethylene phthalate polymers* (21 CFR 177.1630(e)(4))".

**FOR FURTHER INFORMATION CONTACT:** Blondell Anderson, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

Dated: July 23, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-22447 Filed 8-3-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 77D-0430]

**Pneumococcal Vaccine, Polyvalent; Availability of Guideline**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) announces the availability of a revised guideline for laboratory test procedures and lot release requirements for Pneumococcal Vaccine, Polyvalent. This guideline replaces a previously issued guideline for this biological drug product.

**ADDRESS:** Requests for a copy of the guideline and submission of written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug

Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:**

Michael L. Hooton, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of January 31, 1978 (43 FR 4115), FDA announced the availability of a guideline for laboratory test procedures and lot release requirements for Pneumococcal Vaccine, Polyvalent. The vaccine is used for immunization of humans against diseases caused by *Streptococcus pneumoniae* (pneumococci). As a result of advances in the manufacturing and testing procedures for the components of the vaccine and the final product, the guideline was revised in 1979 and made available in a notice published in the Federal Register of November 9, 1979 (44 FR 65189).

A revised guideline has been prepared to replace the 1979 guideline. The guideline has been revised in the area of requirements for the detection of potentially immunogenic substances and to provide for alternative methods of assay and test values. A copy of the revised guideline is available for public review between 9 a.m. and 4 p.m., Monday through Friday, in the Dockets Management Branch (addressed above). Copies of the guideline are being furnished to persons who are known to be interested in manufacturing the vaccine. Other interested persons may obtain a single copy of the guideline by contacting the Dockets Management Branch and identifying the document with the docket number found in brackets in the heading of this document.

Interested persons may submit written comments on the guideline to the Dockets Management Branch (preferably in two copies, identified with the docket number found in brackets in the heading of this document). Such comments will be considered in determining whether new amendments or revisions to the guideline are warranted. Received comments will be incorporated into the public file on the guideline and may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 27, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-22581 Filed 7-30-81; 8:45 am]

BILLING CODE 4110-03-M

## Public Health Service

### Health Maintenance Organizations; Determination and Revocation of Federal Qualification

**AGENCY:** Public Health Service, HHS.

**ACTION:** Notice, Continued Regulation of Health Maintenance Organizations; Determination Noncompliance and Revocation of Federal Qualification.

**SUMMARY:** On March 21, 1980, the Office of Health Maintenance Organizations (OHMO) determined that CopreCare, Inc., 3850 Wilshire Blvd., Los Angeles, California 90010, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. On June 12, 1981, the Acting Director of OHMO notified CopreCare that he was revoking CopreCare's Federal qualification and this revocation became effective on June 22, 1981. Accordingly, CopreCare is no longer a federally qualified HMO.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Seubold, Ph. D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

**SUPPLEMENTARY INFORMATION:** Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). The notice of June 12, 1981, gave CopreCare an opportunity to initiate corrective action to bring it into compliance with the assurances that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. The basis for the revocation of Federal qualification was OHMO's determination that CopreCare had not carried out and would not carry out the corrective action necessary to return to compliance.

The effect of the revocation of CopreCare's Federal qualification is as follows: (1) CopreCare may not seek inclusion in employees' health benefits plans under 1310 of the Act; (2) with respect to employers including

CopreCare in the health benefits plan offered their employees, CopreCare is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of CopreCare in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute compliance with the requirements of that subpart; and (4) CopreCare is not a qualified HMO for purposes of the financial assistance program under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO published in the *Federal Register*.

Dated: July 27, 1981.

Frank H. Seubold,  
Acting Director, Office of Health  
Maintenance Organization.

[FR Doc. 81-22559 Filed 8-3-81; 8:45 am]  
BILLING CODE 4110-85-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Environmental Quality

[Docket No. NI-67]

#### Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: The Bluffs planned development, Rock Springs, Wyoming and the Ridges, Mesa County, Colorado. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the *Federal Register* a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the *Federal Register*, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., July 27, 1981.

Francis G. Haas,  
Deputy Director, Office of Environmental  
Quality.

#### Appendix.—EIS on The Bluffs planned development, Rock Springs, Wyoming

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on The Bluffs development as described below and request information and comments for consideration in the EIS.

**Description:** Approximately 600 dwelling units will be constructed on 181 acres in Rock Springs. The Bluffs is located between Winterhawk Drive on the north, I-80 on the west, College Drive on the south and Western Wyoming Community College on the east.

**Need:** An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

**Alternatives Perceived:** The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer or reject participation in the development.

**Scoping:** A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Rock Springs, Wyoming.

**Comments:** Comments should be sent by August 20, 1981 to: Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Executive Tower Inn, Denver, Colorado 80202.

#### Appendix.—EIS on The Ridges, Mesa County, Colorado

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on The Ridges development as described below and request information and comments for consideration in the EIS.

**Description:** Approximately 5,132 dwelling units will be constructed on 1,283 acres. The Ridges is located approximately one mile west of the city of Grand Junction, Mesa County, Colorado. The Ridges is generally bounded by Highway 340 on the northeast, South Camp Road on the west and Monument Road on the south.

**Need:** An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

**Alternatives Perceived:** The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the

developer or reject participation in the development.

**Scoping:** A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Grand Junction, Colorado.

**Comments:** Comments should be sent by August 20, 1981 to: Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Executive Tower Inn, Denver, Colorado 80202.

[FR Doc. 81-22578 Filed 8-3-81; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Serial No. I-2445]

#### Idaho; Partial Termination of Classification for Multiple-Use Management

1. Pursuant to authority delegated to me by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), I hereby terminate the Bureau of Land Management Multiple-Use Classification Order dated July 22, 1970 (Serial No. I-2445) Published in the Federal Register July 30, 1970, 35 FR 12228, insofar as it affected the lands described below:

#### Boise Meridian, Idaho (I-2445)

- T. 48 N., R. 2 W.,  
Sec. 24, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 25, E $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 36.
- T. 47 N., R. 2 W.,  
Secs. 1 and 2.
- T. 49 N., R. 1 W.,  
Sec. 35, SE $\frac{1}{4}$ .
- T. 48 N., R. 1 W.,  
Sec. 1, lots 4 to 7 inclusive, S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 2, lots 1 to 8 inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 3, lots 8, 11, 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 4, lots 3 to 5 and 9 to 14 inclusive,  
SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 5, Lots 1, 8, 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Secs. 8 to 17 inclusive;  
Sec. 18, lots 3, 4, 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 19, all except lot 1;  
Secs. 20 to 36 inclusive.
- T. 47 N., R. 1 W.,  
Sec. 1 and 2;  
Sec. 3, lots 1 to 8 and lots 10 to 14 inclusive,  
S $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 4, lots 1 to 8 inclusive, lot 14, S $\frac{1}{2}$ N $\frac{1}{2}$ ,  
N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 5, lots 1 to 8 inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 6, lots 1 to 10 inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 9, lots 5 to 8 inclusive, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 10 to 15 inclusive;  
Sec. 16, lots 3 and 4, NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 17, lots 4 and 5;  
Sec. 20, lots 5, 7, 8, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , less  
patented mining claims;

- Sec. 21, less mining claims;  
Secs. 22 to 28 inclusive;  
Sec. 29, lot 2, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ ;  
Sec. 30, lots 9 to 11 inclusive, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 31, E $\frac{1}{2}$ ;  
Secs. 32 to 36 inclusive.
- T. 46 N., R. 1 W.,  
Secs. 1 to 5 inclusive;  
Sec. 6, E $\frac{1}{2}$ ;  
Sec. 12.
- T. 48 N., R. 1 E.,  
Sec. 6, lots 1, 9, 10, 11, 12 SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 7;  
Secs. 16 to 21 inclusive;  
Sec. 22, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 27, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Secs. 28 to 33 inclusive;  
Sec. 34, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 36.
- T. 47 N., R. 1 E.,  
Sec. 1;  
Sec. 3, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 4 to 36 inclusive.
- T. 46 N., R. 1 E.,  
Secs. 1 to 8 inclusive;  
Sec. 9, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 10, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 11 and 12;  
Sec. 13, N $\frac{1}{2}$ ;  
Sec. 14, NE $\frac{1}{4}$ .
- T. 48 N., R. 2 E.,  
Secs. 8, 9, 16, and 17;  
Secs. 20 to 29 inclusive;  
Secs. 31 to 36 inclusive.
- T. 47 N., R. 2 E.,  
Secs. 1 to 19 inclusive;  
Sec. 20, N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 31, lot 1.
- T. 46 N., R. 2 E.,  
Sec. 7, lots 1 to 4 inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Secs. 18 and 19;  
Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 30.

The area described contains approximately 50,967 acres of public land.

2. The segregative effect (closure to entry under the Agricultural and Public Sale Laws) on the land described in this order will terminate August 4, 1981, as provided by the regulations in 43 CFR 2461.5(c)(2). The lands have been and continue to remain open to the mining and mineral leasing laws.

Robert O. Buffington,  
State Director.

[FR Doc. 81-22557 Filed 8-3-81; 8:45 am]

BILLING CODE 4310-84-M

#### Utah; Realty Action; Exchange of Lands

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 42 S., R. 16 W., SLM, Utah,  
Sec. 13, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Containing 5.00 acres.

In exchange for these lands the Federal Government will acquire the following described tract of non-Federal land in Washington County from Mr. Elton Stout:

T. 40 S., R. 16 W., SLM, Utah,  
Sec. 32, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Containing 40.00 acres.

The purpose of the exchange is to acquire private lands for more effective administration opportunities for the wilderness and wildlife programs in the Virgin River Planning Unit. The exchange will include the surface estate only. This exchange is consistent with the Bureau's planning for the lands involved and would be in the public interest.

The value of the lands to be exchanged are approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. The conveyance document will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. The exchange of these lands will be subject to all valid existing rights.

3. All minerals will be reserved.

Detailed information concerning the exchange, including the environmental assessment and record of public discussions, is available for review at the Dixie Resource Area Office, 24 East St. George Blvd., St. George, Utah 84770.

For a period of 45 days, interested parties may submit comments to the District Manager, Cedar City District, P.O. Box 724, Cedar City, Utah 84720. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department.

Morgan S. Jensen,

District Manager.

July 24, 1981.

[FR Doc. 81-22604 Filed 8-3-81; 8:45 am]

BILLING CODE 4310-84-M

#### Fish and Wildlife Service

#### Endangered Species Permit; Receipt of Application

Applicant: Metrozoo, Miami, Florida.

The applicant requests an amendment to PRT 2-8144 to include four (4) adult and one (1) immature Orinoco crocodiles (*Crocodylus intermedius*) to be imported from Caracas, Venezuela for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8144. Interested persons may comment on this application on or before September 3, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: July 25, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-22664 Filed 8-3-81; 8:48 am]

BILLING CODE 4310-55-M

#### Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with Endangered wildlife:

Applicant: Dr. Thomas D. Nichols, PRT 2-8266, San Antonio, TX.

The applicant requests a permit to import two Imperial parrots (*Amazona imperialis*) and seven red-necked parrots (*A. arausiaca*) from Dominica for enhancement of propagation.

Applicant: Dr. William Post, PRT 2-8260, Florida State Museum, Gainesville, FL.

The applicant requests a permit to take (capture) 10 yellow-shouldered blackbirds (*Agelaius xanthomus*) in the La Parguera Vicinity, Puerto Rico, for enhancement of propagation and eventual release of progeny to the wild.

Applicant: Randall Weems, PRT 2-8237, Megargel, TX.

The applicant requests a permit to purchase in interstate commerce one captive-bred nene goose (*Branta sandvicensis*) from Ronald Robbins, Headrick, Oklahoma for enhancement of propagation.

Applicant: San Diego Zoological Gardens, PRT 2-8271, San Diego, CA.

The applicant requests a permit to import one male, captive-bred North China tiger (*Panthera tigris altaica*) from the Taiyuan Zoo, China, for enhancement of propagation.

Applicant: Dr. Steve Sherrod, PRT 2-8210, The Peregrine Fund, Inc., Fort Collins, CO.

The applicant requests a permit to capture captive-bred peregrine falcons (*Falco peregrinus anatum*) that are temporarily released to the wild for conditioning purposes and to be authorized to capture any wild peregrines that are inadvertently captured during attempts to capture captive-bred released birds. The purpose of this application is for enhancement of survival.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before September 3, 1981 by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: July 30, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-22665 Filed 8-3-81; 8:45 am]

BILLING CODE 4310-55-M

#### Vancouver Public Aquarium Receipt of Application for Marine Mammal Permit

Notice is hereby given that an applicant has applied in due form for a permit to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant:
  - a. Name: Vancouver Public Aquarium
  - b. Address: P.O. Box 3232, Vancouver, B.C. Canada V6B3X8
2. Type of permit: Public display and scientific research
3. Name and number of animals: Sea otter (*Enhydra lutris*)—4
4. Type of Activity: Capture
5. Location of Activity: Prince William Sound, Green Island or other area as may be designated by Alaska Department of Game and Fish.
6. Period of Activity: August 1, 1981 to January 31, 1983.

The purpose of this application is to capture four sea otters and transport them to the Vancouver Public Aquarium

for the purpose of public display and scientific research.

Concurrent with the publication of this notice in the Federal Register the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-2507. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, on or before September 3, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: July 30, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-22653 Filed 8-3-81; 8:45 am]

BILLING CODE 4310-55-M

#### Office of the Secretary

##### Meeting of the Alaska Land Use Council

**AGENCY:** Department of the Interior, Office of the Secretary.

**ACTION:** Notice of a meeting of the Alaska Land Use Council.

**SUMMARY:** As required by section 1201(h) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3181), notice is given of a meeting of the Alaska Land Use Council.

**DATE:** The meeting will take place on August 10, 1981, from 2:30 p.m. to 4:30 p.m.

**ADDRESS:** The meeting will be held at: Hotel Captain Cook, Endeavor Room, Fifth and K Streets, Anchorage, Alaska 99510.

**FOR FURTHER INFORMATION CONTACT:** Alaska Land Use Council, P.O. Box 120, Anchorage, Alaska 99510

or

phone (907) 271-5011.

William P. Horn,

Deputy Under Secretary of the Interior.

July 31, 1981

[FR Doc. 81-22739 Filed 8-3-81; 8:45 am]

BILLING CODE 4310-10-M

### National Park Service

#### National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 24, 1981. Pursuant to § 1202.13 of CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by August 19, 1981.

Carol Shull,

Acting Keeper of the National Register.

### CALIFORNIA

#### Riverside County

Desert Center vicinity, *North Chuckwalla Mountain Quarry District (CA-Riv-1814)*  
SE of Desert Center

Desert Center vicinity, *North Chuckwalla Mountains Petroglyph District (CA-Riv-1383)* SE of Desert Center

### ILLINOIS

#### Will County

Joliet, *United States Post Office*, 150 N. Scott St.

### SOUTH CAROLINA

#### York County

Rock Hill, *Withers Building*, Oakland Ave.

### TEXAS

#### Bexar County

San Antonio, *San Antonio Water Works Pump Station No. 2*, Brackenridge Park, Ave. B and Millrace St.

### WEST VIRGINIA

#### Ohio County

Wheeling, *Elm Grove Stone Arch Bridge*, U.S. 40

### WISCONSIN

#### Bayfield County

Bayfield vicinity, *Pureair Sanatorium*, S of Bayfield

[FR Doc. 81-22370 Filed 8-3-81; 8:45 am]

BILLING CODE 4310-70-M

### INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-No. 97F)]

#### Burlington Northern Railroad Co.; Abandonment in Park County, MT; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Decision decided July 16, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 1, stating that, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Railroad Company of the following line of railroad known as the Livingston to Brisbin, MT line extending from railroad milepost 1.69 near Livingston to railroad milepost 10.60, at the end of the line, near Brisbin, MT, a distance of 8.91 miles, in Park County, MT, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), and further that BN shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from July 16, 1981, to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of public convenience and necessity permitting abandonment will be issued to Burlington Northern Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the *Federal Register* be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, appraisals, working papers, and other documents used in preparing Exhibit 1 (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from the publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30

days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-22505 Filed 8-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 96)]

#### Chicago and Northwestern Transportation Company— Abandonment—Between Carroll and Harlan, IA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated July 22, 1981, the Commission, Review Board Number 2, found that the public convenience and necessity require or permit abandonment by The Chicago and Northwestern Transportation Company of its 23.4 mile line of railroad between milepost 461.9 near Harlan, and milepost 438.5 near Manning, IA, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued permitting the abandonment unless within 15 days from the date of this publication the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days if an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Upon

notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38. Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-22578 Filed 8-3-81; 8:45 am]  
BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 40)]

**Decision; Missouri Pacific Railroad Company Exemption for Contract Tariff ICC-MP-C-0009**

**AGENCY:** Interstate Commerce Commission.

**ACTION.** Notice of provisional exemption.

**SUMMARY:** Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). Its previously filed contract tariff will become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

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

**SUPPLEMENTARY INFORMATION:** The Missouri Pacific Railroad Company (MP) filed a petition on July 21, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its previously filed contract tariff ICC-MP-C-0009, now August 21, 1981, so that the effective date would be on one day's notice.

The contract is for one year. It involves a minimum annual volume of woodpulp originating at the shipper's plant in return for an equipment lease charge which will permit the shipper to economically store a waste by-product (waste paper) of its paper production line in box cars on a temporary basis for later use in subsequent paper production runs. The shipper has an integrated manufacturing plant which produces woodpulp and a complete line of paper products. The paper production process normally generates waste paper as a by-product. The waste paper is loaded in available box cars and temporarily stored until it is used in subsequent paper production runs. The shipper has recently started producing a particular type of paper which creates a

substantial additional amount of waste paper which must be temporarily stored. This increased "spin-off" of waste paper from the production process has created a new and greatly increased need for temporary storage of such material. The shipper, it is alleged, has been placed in an undue economic hardship which requires it to make different arrangements for storage.

Under 49 U.S.C. 10713, (e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF. former section 10762 (d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

We believe this is the type of exceptional situation that justifies granting the exemption. The shipper will be accorded relief from an increasingly burdensome storage problem at its plant. Moreover, the MP will benefit by the certainty and dependability of the involved woodpulp traffic volumes and the revenue generated. It does not appear that competing shippers will be adversely affected. In these circumstances, authorization of a provisional exemption is warranted, and the MP's contract tariff ICC-MP-C-0009 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505 (a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505 (c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affected the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10505.

Dated: July 29, 1981.

By the Commission, Division 2,  
Commissioners Gresham, Gilliam, and

Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-22579 Filed 8-3-81; 8:45 am]  
BILLING CODE 7035-01-M

[Volume No. 17]

**Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications**

**Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority**

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered

is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 107522 (Sub-2)M1. (notice of filing of petition to modify certificate) filed August 30, 1979. Petitioner: PEAK TRANSFER CO., INC., 57 Hathaway St., Wallington, NJ 07057. Representative: Ronald I. Shapps, Esq., 450 Seventh Avenue, New York, NY 10123. Petitioner holds motor *common carrier*, in Certificate No. MC 107522 (Sub-No. 2), issued October 5, 1971, authorizing transportation, over irregular routes of, *automotive parts*, from the storage facilities of Borg-Warner Corp., at Thorndale, Pa., to Bridgeport, Hartford, Norwalk, and Unionville, CT, New York, NY, and points in New Jersey and Nassau, Orange, Rockland, Suffolk, Sullivan, and Westchester Counties, NY; and *used clutch cores*, from the above-specified destination points to the storage facilities of Borg-Warner Corp., at Wallington, NJ. By the instant petition, petitioner seeks to delete the current authority and substitute the following: (1) *automotive parts*, from the facilities of Borg-Warner Corp., at Elk Ridge, MD, to Bridgeport, Hartford, Norwalk, and Unionville, CT, Philadelphia, PA, New York, NY, points in New Jersey, and those in Nassau, Orange Rockland, Suffolk, Sullivan, and Westchester Counties, NY; and (2) *used clutch cores*, from the destination points described in (1) above, to the facilities of Borg-Warner Corp., at (a) Elk Ridge, MD, and (b) Wallington, NJ.

#### Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of*

*Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 48958 (Sub-189)F, (republication), filed July 24, 1979, published in the Federal Register issues of February 7, 1980, and April 8, 1980, and republished this issue. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). A Decision of the Commission, Review Board 2, decided June 22, 1981, and served June 30, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Denver, CO, to points in Arizona, Idaho, Nevada, New Mexico, Texas, Utah, and Wyoming, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 138322 (Sub-12) (republication-substitution for joint-line operations), filed August 22, 1979, published in the Federal Register issue of March 21, 1981, and republished this issue. Applicant: BHY TRUCKING, INC., 9231 Whitmore St., El Monte, CA 91733. Representative: Robert Fuller, 13215 E. Penn. St., Suite 310, Whittier, CA 90602. A Decision of the Commission, *Review Board No. 4*, decided December 5, 1980, served January 7, 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 (a) *oilfield machinery, materials, equipment, and supplies*, (b) *mining and road building machinery and equipment* (except classes A and B explosives), (c) *structural steel, pipe,*

*and well casings, and (d) used construction camp equipment*, which because of size or weight requires the use of special equipment, between points in California, and those in Arizona within 250 miles of Wilmington, CA, on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas; that applicant is fit, willing, and able properly to perform the service authorized and to conform to statutory and administrative requirements. The purpose of this republication is to broaden the scope of authority, as originally published. Any person not already a party to this proceeding may file a verified petition for leave to intervene in this proceeding within 30 days from the date of publication, setting forth in detail the precise manner in which it has been prejudiced by this grant of authority.

By the Commission.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-22580 Filed 8-3-81; 8:45 am]  
BILLING CODE 7035-01-M

#### Motor Carriers; Permanent Authority Decisions; Decision

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 90109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions)

we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

#### Volume No. OP1-217

Decided: July 27, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 157040 (Sub-1), filed July 13, 1981. Applicant: KEVIN LUCAS TRUCKING, INC., Vertress, KY 42785. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (502) 227-7326. Transporting for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

#### Volume No. OP1-219

Decided: July 28, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 154430 (Sub-3), filed July 21, 1981. Applicant: COAST TO COAST TRANSPORT, INC., P.O. Box 35507, Tulsa, OK 74135. Representative: Paul Capps (same address as applicant), (918)-494-4016. Transporting *general commodities*, between Holly Springs and Stokedale, NC, Radcliff, Aurora, Ellsworth and Lawn Hill, IA, Henery and Clark, SD, Esmond, IL, Shell Lake, Cumberland, Gillett and Green Valley, WI, Elgin, NE, Benton, Barlow, LaCenter, Oak Ridge, Philpot, Deaneffield, Thompsonville, Masonville and Edgote, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordania and Riverside, TN, Edna, Lewistown, Hurdland and Ewing, MO, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Brisco and Adlison, TX and Reydon, Cheyenne, Strong City, Hammon and Butler, OK, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute Motor Carrier for abandoned Rail Carrier service.

MC 157201, filed July 20, 1981. Applicant: FLYING H ENTERPRISES, INC., P.O. Drawer 1128, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601)-355-3543. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157251, filed July 20, 1981. Applicant: DAVID O'CONNOR d.b.a. O'CONNOR TRUCKING, 11 Park Ave., Hudson, NH 03051. Representative: Robert D. Hansen, P.O. Box 625, Framingham, MA 01701, (800)-225-9490. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157291, filed July 23, 1981. Applicant: J. ROBIN STEVENS, d.b.a. GLOBAL TRANSPORT, INC., S. 3430 Bow Lake Drive, Seattle, WA 98188. Representative: David W. Wiley, 1100 Norton Bldg., Seattle WA 98104, (206) 622-4067. As a *broker of general commodities* (except household goods), between points in the U.S.

#### Volume No. OPY-2-140

Decided: July 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 1263 (Sub-41), filed July 17, 1981. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, P.O. Box 306, Trenton, MO 64683. Representative: James M. McCarty, 17th and Harris, P.O. Box 306, Trenton, MO 64683, (816) 359-2253. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 10343 (Sub-47), filed July 16, 1981. Applicant: CHURCHILL TRUCK LINES, INC. U.S. Hwy 36 West, P.O. Box 250, Chillicothe, MO 64601. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave. Suite 600, Kansas City, MO 64105, 816-221-1464. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *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, and (4) *as a broker of general commodities* (except household goods), between points in the U.S.

MC 106873 (Sub-4), filed July 20, 1981. Applicant: HEAVY HAULING CO., INC., 2304 Talley Way, Kelso, WA 98626. Representative: Lawrence V. Smart, Jr., 419 NW 23rd. Ave., Portland, OR 97210, 503-228-3755. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 148773 (Sub-4), filed July 21, 1981. Applicant: A.F.L. TRUCK LINES, INC., 3661 West Blue Heron Blvd., Riviera Beach, FL 33404. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782-8880. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156992, filed July 6, 1981. Applicant: DONALD L. POLLOCK, d.b.a., FREIGHT BROKERS INCORPORATED, 4201 Long Beach Blvd., Suite 415, Long Beach, CA 90807. Representative: Roger E. Marken, 800



West Sixth St., Suite 1000, Los Angeles, CA 90017, (213) 620-0020. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157143, filed July 13, 1981. Applicant: STEPHEN J. McMANUS, P.O. Box 98430, Seattle, WA 98188. Representative: Stephen J. McManus (same address as applicant), 206-824-5318. 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 157162, filed July 13, 1981. Applicant: SEKO-ROCKET ENTERPRISES, INC., 444 N. LaSalle St., Chicago, IL 60610. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726-6525. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 157172, filed July 13, 1981. Applicant: AMOS G. HAHN, East Earl Rd., East Earl, PA 19719. Representative: Amos G. Hahn (same address as applicant), (717) 354-7222. 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 157192, filed July 15, 1981. Applicant: KENNETH BRENT OGZEWALLA, d.b.a., MOUNTAIN WEST CARRIERS, 1466 North 500 East, Centerville, UT 84014. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditions*, by the owner of the motor vehicle in the vehicle, between points in the U.S.

MC 157243, filed July 20, 1981. Applicant: R & L LOADS, INC., Rte. 16, P.O. Box 308, Mendon, MA 01756. Representative: Beverly Ridolfi, (same address as applicant), 1-800-982-4723. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157283, filed July 23, 1981. Applicant: ROBERT C. SNYDER, 1809 Springwater, Wenatchee, WA 98801. Representative: Robert C. Snyder (same address as applicant), (509) 662-8836. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

#### Volume No. OPY-5-118

Decided: July 28, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 98979 (Sub-7), filed July 20, 1981. Applicant: MILLER BROS., INC., 306 N. 8th Ave., Greeley, CO 80631. Representative: Jack B. Wolfe, 1600 Sherman St., No. 665, Denver, CO 80203, (303) 839-5856. Transporting (1) 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) *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., (3) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S., and (4) as a *broker of general commodities* (except household goods), between points in the U.S.

MC 99498 (Sub-11), filed June 9, 1981. Applicant: JIMMY STEIN MOTOR LINES, INC., P.O. Box 2286, Mobile, AL 36601. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, 703-525-4050. Transporting *general commodities* between Barto, Conerly, Davo, Dillon, Holmesville, Knoxville, Kokomo, Lehr, Lexie, Mesa, Rushing, and Tylertown, MS, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for completely abandoned rail service. Applicant intends to tack this authority with MC-99498 Sub 9 provide direct service.

MC 138938 (Sub-3), filed July 13, 1981. Applicant: MID AMERICA MOVERS, INC., 225 S. Franklin St., Junction City, KS 66441. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. Transporting (1) 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., and (2) *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 144938 (Sub-5), filed July 7, 1981. Applicant: VETERANS TRUCKING, INC., 97-27th Ave., N.W., Gig Harbor, WA 98335. Representative: Billy L. North (same as applicant), (206) 858-6530. 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 (except in emergency situations), between points in the U.S.

MC 157138, filed July 14, 1981. Applicant: THE HAWAIIAN CONNECTION, INC., 1757 Rutherford St., Anaheim, CA 92806. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, (213) 863-8883. Transporting (1) for or on behalf of the United States, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., (2) *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., and (3) *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 157139, filed July 13, 1981. Applicant: DAVID D. BUECHLER, 7008 Lamar Ave. So., Cottage Grove, MN 55016. Representative: David D. Buechler (same address as applicant), (612) 459-1501. 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 157158, filed July 15, 1981. Applicant: RUBEN LUTHER BAESLER, P.O. Box 1061, Silverdale, WA 98383. Representative: Ruben Luther Baesler (same address as applicant), (206) 692-0208. 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 157168, filed July 13, 1981.  
Applicant: J. F. ROCHE ASSOCIATES, INC., 68 Hancock St., Braintree, MA 02184. Representative: Robert G. Parks 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157169, filed July 13, 1981.  
Applicant: FULMER BROTHERS TRANSFER & SUPPLY, INC., 5325 South Orange Blossom Trail, Orlando, FL 32809. Representative: J. B. Rodgers, Jr., 348 East South St., Orlando, FL 32801, (305) 423-3401. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157198, filed July 13, 1981.  
Applicant: ALLIED VAN LINES INTERNATIONAL CORPORATION, P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681-8378. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 81-22581 Filed 8-3-81; 8:45 am]  
BILLING CODE 7035-01-M

[F.D. No. 29430 (Sub-No. 1) and Related Dockets]

**NWS Enterprises, Inc.—Control—Norfolk and Western Railway Company and Southern Railway Company**

**AGENCY:** Interstate Commerce Commission (ICC), Office of Policy and Analysis, Energy and Environment Branch.

**ACTION:** Notice of availability of environmental assessment prepared for above-entitled proceeding.

**SUMMARY:** The ICC's Energy and Environmental Branch has prepared a document which assesses the environmental impacts of the proposals contained in F.D. No. 29430 (Sub-No. 1) and related dockets for merger of the Norfolk and Western Railway Company and Southern Railway Company. Copies of this assessment will be served on all parties of record in the above-described proceedings. Other interested members of the public may request a copy of the environmental assessment by contacting: David Rector, Energy and Environment Branch, Room 5380, Interstate Commerce Commission, 12th

and Constitution Avenue, Washington, DC 20423, Tel. (202) 275-7916.

Anyone who wishes to file written comments on the data or conclusions contained in the environmental assessment may do so by forwarding same to David Rector at the above address by September 18, 1981.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 81-22577 Filed 8-3-81; 8:45 am]  
BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 87)]

**Burlington Northern, Inc.—Abandonment Between Edgar and Nelson in Clay and Nuckolls Counties, NE; Findings**

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated July 29, 1981, the Commission, Review Board Number 1, found that the public convenience and necessity require or permit abandonment by Burlington Northern, Inc. of its line of railroad between Edgar and Nelson, NE, a total distance of 12.43 miles, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 ICC 91 (1979). A certificate of abandonment will be issued permitting this abandonment unless within 15 days from the date of this publication the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission

to set conditions or amount of compensation, the abandonment certificate will become effective. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the effectiveness of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 81-22617 Filed 8-3-81; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket No. 21478]

**Great Northern Pacific & Burlington Lines, Inc.—Merger, etc.—Great Northern Railway Co., et al.—Petition of Burlington Northern Railroad Co. for Elimination of Traffic Protective Conditions**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of petition for limited reopening to eliminate certain traffic protective conditions.

**SUMMARY:** Burlington Northern Railroad Company ("Burlington Northern"), successor to Burlington Northern Inc., filed a petition on July 2, 1981 requesting that the Commission reopen Finance Docket No. 21478, *Great Northern Pacific & Burlington Lines, Inc.—Merger, Etc.—Great Northern Railway Company, et al.* (hereinafter "*Northern Lines Merger*") 331 ICC 228 (1967), modified, 331 ICC 869 (1968), construed, 333 ICC 391 (1968), *aff'd sub nom, United States v. ICC*, 396 U.S. 491 (1970), for the limited purpose of removing certain traffic protective conditions prescribed by the Commission in that proceeding. In particular, Burlington Northern seeks elimination of conditions 1-6 as contained in Appendix L to the *Northern Lines Merger* decision, 331 ICC at page 352.

**DATE:** Comments should be submitted on or before September 3, 1981.

**ADDRESS:** Send comments (an original and 15 copies) to: Section of Finance, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:** Ellen Hanson, Deputy Director, Section of Finance, Telephone No. (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** In support of its petition, Burlington Northern states that the conditions sought to be eliminated are the so-called "DT&I Conditions" originally prescribed in Detroit, T.&I.R. Co. Control, 275 ICC 455, with minor modification; that more than thirteen years have passed since the Commission's decision prescribed said conditions in the Northern Lines Merger and the merged company has been operating more than eleven years thereunder, and that the transportation environment has changed dramatically during that period due principally to increased intermodal competition, railroad consolidations, inflation and other factors; that Congress has placed increased emphasis on innovative railroad pricing and service, attainment of maximum operating efficiency and enhancement of intermodal competition and that the merger conditions serve none of these purposes.

Burlington Northern further states that the merger conditions require maintenance of rates and routes which preclude attainment of operating efficiencies and are thus contrary to the best interest of Burlington Northern and the public it serves. Burlington Northern further states that the conditions have stultified railroad rate and service innovation and effect its ability to offer viable competitive alternatives to truck, water and intermodal competition; that protection of opponent carriers is no longer warranted as they have had over a decade to adjust to Burlington Northern's competition. Burlington Northern also states that the merger conditions will not adversely affect the shipping public because of the Commission's ability to prescribe through routes and joint rates under 49 U.S.C.A. Section 10705 and, in fact, the elimination of the merger conditions will enable Burlington Northern to afford rate levels and service options predicated upon single line efficiencies and afford innovative service and pricing concepts without the impediment of the merger conditions.

Burlington Northern further states that the Commission action requested would not have a significant effect on the quality of the human environment.

Inquiries concerning the petition may be addressed to William R. Power, Assistant General Solicitor, Law Department, Burlington Northern Railroad Company, 176 East Fifth Street, St. Paul, Minnesota 55101, Telephone No. (612) 298-2619.

Dated: July 30, 1981.

By the Commission, Gary J. Edles, Director,  
Office of Proceedings.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-22619 Filed 8-3-81; 8:45 am]

BILLING CODE 7035-01-M

#### [Volume No. 133]

#### Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: July 29, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

#### Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,  
Secretary.

MC 8535 (Sub-128)X, filed July 22, 1981. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. 68F, 83, 121, and 122F certificates to (1) broaden the commodity description to (a) "machinery" from machinery and machine parts in Sub-No. 68F and machinery, machines, tools and parts and accessories for machinery.

machines, and tools in Sub-No. 122F, (b) "metal products and materials and supplies used in the manufacture and distribution of metal products" from cast iron products and materials and supplies used in the manufacture and distribution of cast iron products (except commodities in bulk) in Sub-No. 83, and (c) "metal products, machinery, and articles which because of size or weight require special handling or the use of special equipment" from iron and steel articles, machinery and machine parts, and articles which because of size or weight require special handling or the use of special equipment in Sub-No. 121: (2) remove the facilities limitations in Sub-Nos. 68F and 122F; (3) change one-way to radial authority in Sub-Nos. 68F, 83(part C), 121, and 122F; (4) replace cities with county-wide authority as follows: Fulton, NY with Oswego County, NY in Sub-No. 68F, Florence, NJ with Burlington and Camden Counties, NJ and Council Bluffs, IA with Pottawattamie County, IA in Sub-No. 83, and Cortland, NY with Cortland County, NY in Sub-No. 122F; and (5) eliminate "except AK and HI" restriction in Sub-No. 122F.

MC 4267 (Sub-8)X, filed July 16, 1981. Applicant: C. L. JILLICH TRUCK LINE, INC., P.O. Box 96, Hazel Crest, IL 60429. Representative: Harold O. Orlofske, 145 West Wisconsin Avenue, Neenah, WI 54956. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 5, and 7F permits to (1) broaden its commodity descriptions (a) from various iron and steel products and materials, supplies and equipment used in the manufacture and fabrication thereof, to "metal products and materials, supplies, and equipment used in the manufacture and fabrication thereof" in the lead and Sub-Nos. 5 and 7F; and (b) from machinery and machinery parts and materials and supplies used in the manufacture and fabrication thereof, and lift trucks and platform trucks and to "machinery and materials and supplies used in the manufacture and fabrication thereof" in Sub-No. 3; and (2) broaden the territorial descriptions to between points in the United States under continuing contract(s) with named shippers.

MC 14768 (Sub-4)X, filed July 23, 1981. Applicant: LANDES OZARK TRANSFER CO. d.b.a. OZARK TRANSFER COMPANY, Ozark, MO 65721. Representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Applicant seeks to remove restriction in its lead and Sub-Nos. 1F and 3F certificates to (1) broaden the commodity descriptions

from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in all referenced authorities; (2) delete the restriction against traffic moving between Harrison and Little Rock, AR, in Sub-No. 3; and (3) authorize service to all intermediate points along described regular routes between MO and AR in Sub-No. 3.

MC 70557 (Sub-56)X, filed July 13, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 41F certificate to: broaden the commodity description from (1) containers and container closures and (2) materials, equipment and supplies to "(1) lumber and wood products, pulp, paper and related products, rubber and plastic products, clay, concrete, glass or stone products, and metal products and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1)"; and remove the restriction against the transportation of commodities in bulk.

MC 87523 (Sub-119)X, filed July 9, 1981. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Applicant seeks to remove restrictions in its lead and Sub-Nos. 93, 95, 96F, 97F, 99F, 108F, 109F, 110F, 112, 113F, 114F, and 116 certificates to: broaden the commodity descriptions as follows in its lead, from casein, milk, cream, and products thereof to "food and related products"; from empty containers to "containers"; and from soap, acids, chemicals, oil, and grease to "chemicals and related products, petroleum, natural gas and their products, food and related products and textile mill products"; in Sub-No. 93, from water to "food and related products"; and from empty containers to "containers"; Sub-No. 95, from paper and paper products and waste paper and waste paper products to "pulp, paper and related products"; in Sub-No. 96F, from paper and paper products to "pulp, paper and related products"; in Sub-No. 97F, from plastic and plastic products to "rubber and plastic products"; in Sub-No. 108F, from salt to "food and related products, ores and minerals, and chemicals and related products"; in Sub-No. 109F, from paper products, and empty containers to "pulp, paper and related products and containers"; in Sub-No. 110F, from insulation and insulating materials to

"clay, concrete, glass or stone products, pulp, paper and related products, petroleum, natural gas and their products, rubber and plastic products, and textile mill products"; in Sub-No. 112, from wine to "food and related products and from empty containers to "containers"; in Sub-No. 113F, from beverages to "food and related products"; (2) replace facilities limitations and/or specific point authority with county-wide authority as follows: Boston with Suffolk, Essex, Plymouth, Middlesex, and Norfolk; Litchfield with Montgomery and Maccupin; Portland and Bangor with Cumberland, York, Penobscot, Waldo and Hancock Counties, ME; Manchester with Hillsborough, Rockingham, and Menimack Counties, NH; Somerville with Essex, Middlesex, Norfolk, and Suffolk Counties, MA; Stowe with Lamoille and Washington Counties, VT; Springfield with Hampden and Hampshire Counties, MA, and Tolland and Hartford, CT; Fulton and Utica with Oswego, Monroe, Wayne, Ontario, Livingston, Oneida and Herkimer Counties, NY; Elmsford with Westchester County, NY; South Portland with Cumberland County, MA; New Bedford with Bristol County, MA; East Ryegate with Caledonia and Orange Counties, VT and Grafton County, NH; Claremont with Sullivan County, NH and Windsor County, VT; Gilman with Essex County, VT, and Coos and Grafton Counties, NH; Providence, and East Providence with Providence, Kent and Bristol Counties, RI, and Bristol County, MA; Perth Amboy with Middlesex, Monmouth and Union Counties, NJ and Richmond County, NY; Bedford with Hillsborough County, NH; Bethel and St. Abans with Windsor and Franklin Counties, VT; Naples with Ontario and Steuben Counties, NY; Laconia with Belknap County, NH; (3) remove the following restrictions (a) mixed load, (b) in containers, (c) in bulk, in tank-vehicles, (d) except in bulk, (e) in bags, and (f) except specified commodities, wherever they appear (4) eliminate the "AK and HI" exceptions on its nationwide authority in Sub-No. 97F; (5) eliminate the "originating at or destined to" restriction in Sub-Nos. 93 and 95; and (6) replace existing one-way authority with radial authority in its lead and Sub-Nos. 93, 95, 96F, 108F, 112F, 113F, 114F, and 116.

MC 121517 (Sub-21)X, filed July 21, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15627, Tulsa, OK 74112. Representative: Jerry C. Slaughter (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 2F, 5F, 6, 7F, 10F, 14F, 15F and 16F

certificates to: (1) broaden its commodity description (a) from cement to "clay, concrete, glass or stone products, chemicals and related products, and petroleum, natural gas and their products" in Sub-Nos. 2F, 6 and part (2) of 10F; (b) from fuel oil to "petroleum, natural gas and their products" in Sub-Nos. 5F and 15F; (c) from limestone to "ores and minerals, clay, concrete, glass or stone products" in Sub-No. 7F; (d) from general commodities (with exceptions) to "general commodities (except class A and B explosives)" in part (1) of Sub-No. 10F; (e) from barite to "ores and minerals" in Sub-No. 14F; (f) from petroleum and petroleum products to "petroleum, natural gas and their products" in Sub-No. 16F; (2) remove "in bulk" restriction from Sub-No. 7F and "in bulk, in tank vehicles" restrictions from Sub-Nos. 5F, 14F, 15 and 16F; (3) replace facility limitations or cities with county wide authority as follows: (a) facilities at or near Pryor, OK to Mayes County, OK in part (1) Sub-No. 2F; (b) facilities at or near Woodward and Oklahoma City, OK to Oklahoma, Cleveland, McClain, Canadian and Woodward Counties, OK in part (2) Sub-No. 2F; (c) Ft. Worth, TX to Tarrant County, TX and Muskogee, OK to Muskogee County, OK in Sub-No. 5F; (d) Fredonia, KS to Wilson County, KS in Sub-No. 6; (e) Carthage, MO to Jasper County, MO and Stroud, OK to Lincoln County, OK in Sub-No. 7F; (f) facilities at or near Tulsa, OK to Tulsa, Creek, Osage and Rogers County, OK in part (2) of Sub-No. 10F; and (g) Cushing, OK to Payne County, OK in Sub-No. 15F and (4) replace one-way authority with radial authority in all Sub-Nos.

MC 129872 (Sub-5)X, filed March 17, 1981, previously noticed in the Federal Register of April 7, 1981, republished as follows: Applicant: SCHUSTER TRANSPORT, INC., Route 6, Menomonie, WI 54751. Representative: Stanley C. Olsen, Jr., 5200 Wilson Rd., Ste 307, Edina, MN 55424. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1 and 4 certificates. This Board previously broadened these certificates by (1) broadening the commodity descriptions to include "machinery", removing the originating at and destined to named facilities restrictions, and authorizing radial in place of one-way authority. Applicant also sought to replace a territory described by mileage radii with county-wide authority. The request was denied because it was determined to be an unreasonable broadening of territory. Because of a recent Commission decision declaring this type of

broadening to be reasonable, the Restriction Removal Board has decided to renotice the application with respect to the proposed expansion to county-wide authority designations. Notice is hereby given that applicant seeks to expand LeMars, IA and points within 25 miles thereof to Plymouth, Cherokee, O'Brien, Sioux, and Woodbury Counties, IA and Union County, SD and LeMars, IA and points in Iowa within 25 miles of LeMars to the above-named Iowa counties in the lead certificate.

MC 138741 (Sub-129)X, filed July 14, 1981. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 914 East Highway H, Liberty, MO 64068. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068. Applicant seeks to remove restrictions in its Sub-Nos. 92F and 93F certificates to (1) broaden the commodity descriptions to "metal products" from iron and steel articles; (2) change one-way authority to radial authority; and (3) substitute county-wide authority in place of the named facilities as follows: Madison County, NE (facilities near Norfolk, NE).

MC 142304 (Sub-2)X, filed July 22, 1981. Applicant: O'HARE TRUCK SERVICE, INC., 2039 North Mannheim Road, Northlake, IL 60164. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description from wrecked, damaged, or disabled trucks, and truck tractors, replacement trucks, and replacement parts dispatched to relieve or repair wrecked, damaged or disabled truck and truck tractors by use of wrecker equipment only, to "transportation equipment" in its authority to serve radially between Chicago and Elk Grove Village, IL, and 27 States.

MC 142423 (Sub-16)X, filed July 13, 1981. Applicant: BIG D CARTAGE, INC., 28091 Kingsberry Dr., Mt. Clemens, MI 48045. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. Applicant seeks to remove restrictions in its Sub-Nos. 8, 9, and 12 certificates to (1) broaden the commodity description from malt beverages to "food and related products" in Sub-Nos. 8, 9, and 12; (2) replace city-wide with county-wide authority: Franklin, County, OH for Columbus, OH in Sub-No. 8; Oswego County, NY for Fulton, NY in Sub-No. 9 and Onondaga County, NY, for Baldwinsville, NY, in Sub-No. 12; and (3) authorize radial service instead of one-way service in Sub-No. 8, between Franklin County, OH, and Detroit, MI; in Sub-No. 9, between Oswego County,

NY, and, MI, and between Milwaukee, WI, and, the Lower Peninsula of MI; in Sub-No. 12, between St. Louis, MO, and Onondaga County, NY, and, Detroit, MI.

MC 142478 (Sub-3)X, filed July 20, 1981. Applicant: ACE INDUSTRIES, INC., d.b.a. ACE COURIER & EXPEDITING SERVICE, P.O. Box 147, Hagerstown, MD 21740. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; (2) remove a facilities restriction and replace Hagerstown, MD with Washington County, MD; and (3) eliminate the restrictions (a) against the transportation of shipment of packages or articles weighing in the aggregate more than 250 pounds from any one consignee to any one consignee on any 1 day, and (b) against the transportation of shipments of packages or articles weighing in the aggregate more than 5,000 pounds from any one consignee to any one consignee on any 1 day.

MC 147475 (Sub-5)X, filed July 13, 1981. Applicant: WHITE TOP TRANSPORT, INC., P.O. Box 675, McMinnville, OR 97128. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description form steel products to "metal products" and (2) broaden the territorial description to between points in the United States, under contract.

MC 148912 (Sub-2)X, filed July 7, 1981. Applicant: FOUR STAR TERMINAL, INC., P.O. Box 6589, Anchorage, AK 99502. Representative: Julian C. Rice, 330 Wendell St., Fairbanks, AK 99701. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from general commodities with the usual exceptions to general commodities except Classes A and B explosives and/or household goods and (2) remove the exception prohibiting service to points in the Alaska Panhandle located east of an imaginary line constituting a southward extension of the U.S. (AK)-Canada (Yukon Territory) Boundary line.

MC 153021 (Sub-2)X, filed July 10, 1981. Applicant: DAVID DALE TRANSPORT, INC., 2 Franklin Street, West Medway, MA 02053. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its MC-143687 and Sub-Nos. 2, 3, 5, 7,

10, 11 and 12 permits and MC-153021F certificate to (1) broaden the commodity description (a) from plastic articles (except in bulk), in the lead; from plastic articles (except commodities, in bulk) and materials equipment and supplies used in the manufacture and distribution of plastic articles (except commodities in bulk), in Sub-Nos. 2F, 3F and 7F, to "rubber and plastic products and materials, equipment and supplies used in their manufacture and distribution," (b) to "rubber and plastic articles, pulp, paper and related products and equipment, materials and supplies used in their manufacture and distribution" from cushioned envelopes, and plastic articles (except commodities in bulk) and equipment, materials and supplies used in the manufacture and distribution of the commodities above (except commodities in bulk), in Sub-No. 5F; (c) to "metal products" from cans, in Sub-No. 10F; (d) to "clay, concrete, glass or stone products" from flat glass, in Sub-No. 11F, (e) to "pulp, paper and related products" from paper bags, in Sub-No. 12F, and (f) to "chemicals and related producers, rubber and plastic products and materials, equipment and supplies, used in the manufacture and distribution of the commodities shown above," from adhesives and plastic articles and materials, equipment and supplies used in the manufacture and distribution of the commodities shown above (except commodities in bulk), in MC-153021F. (2) remove the AK and HI exceptions, in Sub-Nos. 2F, 3F, 5F, 7F, 11F, and 12F and MC-153021F, and (3) broaden the territorial description to between points in the U.S. under contract(s) with named shippers, in all permits.

[FR Doc. 81-22616 Filed 8-3-81; 8:45 am]  
BILLING CODE 7036-01-M

#### [Volume No. OP2-070]

#### 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 previously notice in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days 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 151703 (Republication) filed August 29, 1980, published in the Federal Register of September 17, 1980, and republished in this issue: Applicant: NORSUB, INC., R.D. #1, Cranberry Township, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. A decision of the Commission, *Review Board 1*, decided January 23, 1981, and served January 29, 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 (1) *primary and fabricated metal products*, as described in Items 33 and 34 of the Standard Transportation Commodity Code Tariff (STCC), between points in Arkansas, California, Colorado, Idaho, Indiana, Illinois, Kansas, Minnesota, Missouri, Montana, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Washington, and Wyoming, and (2) *non-metallic minerals*, as described in Item 14 of the STCC, from points in Wyoming, Colorado, and South Dakota, to Pittsburgh, PA; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 81-22615 Filed 8-3-81; 8:45 am]  
BILLING CODE 7035-01-M

#### Motor Carriers; Permanent Authority Decisions Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified

prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the Exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office. (202) 275-7328.

#### Volume No. OP1-216

Decided: July 27, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. (Member Fortier not participating.

MC 531 (Sub-464), filed July 13, 1981. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant), (713) 748-0100. Transporting *chemicals and related products*, between Hemlock, MI and Phoenix, AZ.

MC 2980 (Sub-10), filed February 9, 1981, previously noticed in the Federal Register issue of March 6, 1981. Applicant: LANDGREBE MOTOR TRANSPORT, INC., Highway 130 West, P.O. Box 32, Valparaiso, IN 46383. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *general commodities* (except classes A and B explosives), between points in Lake, Newton, Porter, Jasper, White, LaPorte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Elkhart and Kosciusko Counties, IN and Chicago, IL.

Note.—Issuance of a certificate in this proceeding shall cancel Certificate No. MC-2980 Sub 10, issued May 27, 1981. The purpose of this republication is to show "non-radial" movement in lieu of radial, as previously published.

MC 18080 (Sub-2), filed July 6, 1981. Applicant: CONLEY TRUCK LINE, INC., P.O. Box 313, Wood River, NE 68883. Representative: John K. Walker (same address as applicant) (308)-583-2000. Transporting (1) *aluminum and plastic pipe*; (2) *irrigation pipe and irrigation systems and related articles*; (3) *grain storage and grain drying equipment, grain augers and conveyors and related articles*; and (4) *iron, steel and aluminum articles*, between points in NE, on the one hand, and, on the other, points in the U.S.

MC 87451 JSub-10), filed July 15, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Rd., Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same address as applicant) (617)-628-1600. Transporting *such commodities as are dealt in or used by manufacturers and installers of hardwood flooring and hardwood flooring panels*, between points in Plymouth County, MA, on the one hand, and, on the other, points in the U.S.

MC 117730 (Sub-90), filed July 8, 1981. Applicant: Koubenec Motor Service, Inc., Route No. 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602, (312) 728-9722. Transporting *metal products* (1) between points in IA, IL, IN, KY, MI, MN, MO, OH, PA, TN, and WI, and (2) between points in IA, IL, IN, KY, MI, MN, MO, OH, PA, TN, and WI, on the one hand, and, on the other, points in the U.S.

MC 124951 (Sub-44), filed July 29, 1981. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, KY 42420. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101, (502)-781-4446. Transporting *general commodities* (except classes A and B explosives), between points in AR, AL, FL, GA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NE, NC, NJ, NY, OH, OK, PA, TN, TX, WA and WV.

MC 129401 (Sub-18), filed July 14, 1981. Applicant: DOUGLAS & BESS, INC. Route 5, Box 238, Statesville, NC 28677. Representative: Charles Ephraim, 406 World Center Bldg., 918-16th St., N.W., Washington, DC 20006, (202)-833-1770. Transporting (1) *textile mill products*; and (2) *chemicals and related products*, between points in the U.S. under continuing contract(s) with Ozite Corporation, of Anaheim, CA.

MC 134730 (Sub-32), filed July 9, 1981. Applicant: METALS TRANSPORT, INC., 528 South 108th St., West Allis, WI 53214. Representative: M. H. Dawes (same address as applicant), (414) 258-9998. Transporting (1) *machinery*; and (2) *metal products*, between points in the U.S., under continuing contract(s) with Portec, Inc., of Oak Brook, IL.

MC 134730 (Sub-33), filed July 15, 1981. Applicant: METALS TRANSPORT, INC., 528 South 108th St., West Allis, WI 53214. Representative: M. H. Dawes (same address as applicant), (414)-258-9998. Transporting (1) *machinery*; and (2) *metal products*, between Milwaukee, WI, on the one hand, and, on the other, points in the U.S.

MC 135691 (Sub-69), filed July 13, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506, (402)-489-3585. Transporting *food and related products*, between points in Hillsdale County, MI, on the one hand, and, on the other, points in NC, SC, GA, IL, AL, TN, MS, AR, LA, OK and TX.

MC 142001 (Sub-1), filed July 7, 1981. Applicant: RITE-GUY HAULING, INC., 7124 South Hill Road, Deforest, WI 53532. Representative: Michael J. Wyngaard, 150 East Gilman, Madison, WI 53703, (608) 256-7444. Transporting *commodities in bulk*, between the facilities of (a) Wisconsin Power & Light Company at points in WI, and (b) Illinois Power & Light Company at points in IL, on the one hand, and, on the other, points in the U.S.

MC 147080 (Sub-3), filed July 6, 1981. Applicant: WADE FARMS, INC., Rt. 3 Box 172, Franklin, KY 42134. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101, (502) 781-

4446. Transporting *general commodities* (except classes A and B explosives), between points in Simpson County, KY, 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 148600 (Sub-13), filed June 29, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 N. Harvester Rd., West Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001, (202) 628-9243. Transporting *general commodities* (except classes A and B explosives) between the facilities of Ralston Purina Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148780 (Sub-4), filed July 9, 1981. Applicant: ENGINEERED TRANSPORT SERVICES, INC., 3001 Ponce de Leon Blvd, Suite 201, Coral Gables, FL 33134. Representative: Charles R. Stillier (same address as applicant), (305)-441-7125. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Ferro Corporation, of Cleveland, OH.

MC 153210, filed July 13, 1981. Applicant: ALAN E. WOLFE EQUIPMENT & CONSTRUCTION COMPANY, 3001 East 83rd St., Kansas City, MO 64132. Representative: E. Wayne Farmer, 2700 City Center Square, P.O. Box 26101, Kansas City, MO 64196, (816)-474-6420. Transporting (1) *toxic materials, hazardous wastes, and such commodities as are dealt in or used by building and construction contractors*, between points in the U.S., under continuing contract(s) with Tri-City Construction Company, of Kansas City, MO; (2) *such commodities as are dealt in or used by manufacturers of pipe*, between points in the U.S., under continuing contract(s) with Hydro Conduit Corporation, of Kansas City, MO; and (3) *such commodities as are dealt in or used by manufacturers and producers of cement and concrete*, between points in the U.S., under continuing contract(s) with Hub Materials, Inc., of Kansas City, MO.

Note: To the extent the certificate granted in this proceeding authorizes the transportation of toxic materials and hazardous wastes, it will expire 5 years from the date of issuance.

MC 155081, filed July 13, 1981. Applicant: B & W TRUCKING, INC., 1780 West Beaver St., Jacksonville, FL 32209. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *general commodities* (except classes A and B explosives), between points in Duval, Nassau, Clay and St. Johns Counties, FL.

MC 156330, filed July 14, 1981. Applicant: SULLIVAN EXPRESS, Route 3, Box 139B, Dayton, TN 37321. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942-9116. Transporting (1) *packaging materials*; and (2) *nursery supplies*, between the facilities of Nurserymen's Exchange, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 156781, filed June 26, 1981, previously noticed in the Federal Register issue of July 13, 1981. Applicant: WILLIAM L. SONNER, Route 1, Box 299, Stephens City, VA 22655. Representative: Larry R. McDowell 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, (215) 735-3090. Transporting *food and related products*, between points in Lincoln County, NC, Frederick and Rockingham Counties, VA and Berkeley County, WV, on the one hand, and, on the other, points in DE, FL, GA, MD, NC, NJ, PA, SC, VA, WV and DC.

Note.—This republication clarifies the commodity description.

MC 156991, filed July 7, 1981. Applicant: JOE LOUIS GLADNEY, d.b.a. GLADNEY TRANSPORTATION, 2739 Greenmount Ave. Baltimore, MD 21218. Representative: Joe Louis Gladney (same address as applicant), (301) 945-8021. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter and special operations beginning and ending at points in MD and DC, extending to points in the U.S.

MC 157121, filed July 9, 1981. Applicant: COUNTRY SQUIRE TOURS, INC., 206 Main St., Hyannis, MA 02601. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742-3530. As a *broker* at Hyannis, MA, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

#### Volume No. OP1-218

Decided: July 28, 1981.

By the Commission. Review Board No. 1, Members Parker Chandler and Fortier. (Member Fortier not participating.)

MC 7840, (Sub-44), filed July 21, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper St., Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001, (202) 628-9243. Transporting *pulp, paper and related products*, between points in King William County, VA on the one hand, and, on the other, points in the U.S.

MC 52460 (Sub-335), filed July 23, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant), (918) 446-4434. Transporting *food and related products*, between points in Galveston County, TX, on the one hand, and, on the other, points in AR, CO, GA, IA, IL, KS, MO, NE, OK, TN, and TX.

MC 114070 (Sub-10), filed July 17, 1981. Applicant: WAGONER TRANSPORTATION CO., 755 E. Hackley Ave., Muskegon Heights, MI 49444. Representative: W. Scott Wagoner (same address as applicant), (616)-722-3276. Transporting *petroleum, natural gas and their products*, between points in IN and MI.

MC 115840 (Sub-127), filed July 13, 1981. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel, (same address as applicant), (615) 966-9711. Transporting *rubber and plastic products*, between points in NC, on the one hand, and, on the other, points in AZ and CA, and those points in the U.S. in and east of ND, SD, NE, CO, OK and TX.

MC 128190 (Sub-19), filed July 21, 1981. Applicant: FREMONT CONTRACT CARRIERS, INC., 1520 Railroad Street, P.O. Box 489, Fremont, NE 68025. Representative: Wendell Bruner (same address as applicant), (402) 721-3020. Transporting (1) *such commodities* as are dealt in or used by processors of honey and apiaries, and (2) *food and related products*, between points in the U.S., under continuing contract(s) with Sioux Honey Association, of Sioux City, IA.

MC 138861 (Sub-38), filed July 21, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036, (201) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s), with Teknor Apex Company, of Pawtucket, RI.

MC 144910 (Sub-22), filed July 20, 1981. Applicant: TY PRUITT TRUCKING, INC., 6717 Quad Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005, (202) 296-3555. Transporting *chemicals and related products*, between points in MD, on the one hand, and on the other, points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 145301 (Sub-17), filed July 17, 1981. Applicant: R.E.M. TRANSPORT CO., INC., 4259 S. 76th East Ave., Tulsa, OK 74145. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411-D Backlick Rd., Springfield, VA 22151, (703) 941-8200. Transporting *plastics and related products*, between points in the U.S.

MC 146681 (Sub-4), filed July 23, 1981. Applicant: DUTCH MILL TRUCKING, INC., Route 1, Sparta, WI 54656. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703, (608) 269-4723. Transporting *construction materials*, between points in IL, MN, and WI.

MC 151610 (Sub-2), filed July 22, 1981. Applicant: BUCKLEY O. CARPENTER & THOMAS C. CARPENTER, d.b.a. CARPENTER & SON, 368 Webb Circle, Monroe, CT 06468. Representative: Thomas J. Petruska, 500 Lindley St., Bridgeport, CT 06606, (203) 367-3651. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Bridgeport Machine Division of Textron, Inc., of Bridgeport, CT.

MC 153710 (Sub-3), filed July 17, 1981. Applicant: DENNIS FISHER, d.b.a. FISHER TRUCKING, P.O. Box 62, Perry, IA 50220. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting (1) *machinery*; and (2) *electrical equipment*, between Grundy County, MO, Boone County, IA, Ogle County, IL and Richardson County, NE, on the one hand, and, on the other, points in the U.S.

MC 153831 (Sub-2), filed July 20, 1981. Applicant: MONITOR DISTRIBUTING SYSTEMS, INC., 1925 SE Skyline Drive, Oklahoma City, OK 73129. Representative: James D. Chew (same address as applicant), (405) 677-0544. Transporting *general commodities* (except classes A and B explosives), between points in OK.

MC 156421, filed July 23, 1981. Applicant: RONALD D. RAMTHUN, Box 152, Manson, IA 50563. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Butler Manufacturing Company, of Kansas City, MO, (b) Harms Hardware Company, of Litton, IA, and (c) Manson Implement Company, of Manson, IA.

MC 157240, filed July 20, 1981. Applicant: KOTTKE TRUCKING, INC., P.O. Box 206, Buffalo Lake, MN 55314. Representative: Robert D. Givold, 1600 TCF Tower, Minneapolis, MN 55402,

(612) 333-1341. Transporting (1) *rubber and plastic products*; and (2) *metal products*, between points in Renville and McCloud Counties, MN, on the one hand, and, on the other, Chicago, IL and points in Winnebago County, IA, Richland County, ND, and Brooking County, SD.

#### Volume No. OPY-2-139

Decided: July 28, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 1403 (Sub-8), filed July 20, 1981. Applicant: CENTRAL TRANSFER COMPANY, 100 Kellogg St., Jersey City, NJ 07305. Representative: Ronald I. Shapps, 450 Seventh Avenue, New York, NY 10123, (212) 239-4610. Transporting *general commodities* (except classes A and B explosives) between points in NY, NJ, PA, DE, MD, VA, CT, MA, RI, and DC.

MC 3753 (Sub-35), filed July 14, 1981. Applicant: AAA TRUCKING CORP., 3630 Quaker Bridge Rd., P.O. Box 8042, Trenton, NJ 08650. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048, (212) 432-0940. Transporting *general commodities* (except classes A and B explosives), between points in NY, NJ, CT, DE, ME, MD, MA, NH, PA, RI, VT, VA, WV, and DC.

MC 16513 (Sub-26), filed July 17, 1981. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Ave., Pennsauken, NJ 08110. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, 703-750-1112. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Armstrong World Industries, Inc., of Lancaster, PA, and subsidiary companies.

MC 25153 (Sub-14), filed July 17, 1981. Applicant: MARTIN FREIGHT SERVICE, INC. 112 Frick Ave., Waynesboro, PA 17268. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, 301-739-4860. Transporting *metal products and machinery*, between points in PA, and Washington County, MD, on the one hand, and, on the other, points in the U.S.

MC 140033 (Sub-101), filed July 16, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., P.O. Box 20235, Dallas, TX 75220. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. Transporting *such commodities* as are dealt in by grocery and food



business houses between points in the U.S.

MC 140553 (Sub-17), filed July 15, 1981. Applicant: ROGERS TRUCK LINE, INC., Box 317, Logansport, IN 46947. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Pabst Brewing Company, of Milwaukee, WI.

MC 152293, filed July 20, 1981. Applicant: ESTAIRE BUS LINES LIMITED, Box 45, Site 32, R.R. 3, Sudbury, Ontario, Canada P3E 4N1. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. Transporting *passengers and their baggage, in the same vehicle with passengers*, in round-trip charter and special operations beginning and ending at ports of entry on the international boundary line between U.S., and Canada, at ports in MI and NY, and extending to points in the U.S. (including AK but excluding HI).

MC 154883, filed July 17, 1981. Applicant: LOGGINS TRUCKING COMPANY, 1925 Oakhurst Circle, P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (same as applicant) (214) 593-0620. Transporting (1) *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Eastern Shippers Association, Inc., and (2) *food and related products* between points in the U.S., under continuing contract(s) with Loggins Meat Company, of Tyler, TX.

MC 155013, filed July 20, 1981. Applicant: FREIGHTMASTER, INC., P.O. Box 488, Taylorsville, NC 28681. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064 (615) 790-2510. Transporting *furniture and fixtures* between points in the U.S. under continuing contract(s) with Craftmaster Furniture, Inc., of Taylorsville, NC.

MC 155302, filed July 20, 1981. Applicant: MACH FARMS, INC., 1020 South Superior St., Antigo, WI 54467. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719 (608) 273-1003. Transporting *such commodities* as are dealt in or used in the manufacture and distribution of foodstuffs between points in the U.S., under continuing contract(s) with Hillshire Farm Co., Division of Consolidated Foods Corporation, of New London, WI.

MC 15152, filed July 8, 1981. Applicant: TRIPP LANDCRUISE CORPORATION, 99 Pleasant St., Northampton, MA 01060.

Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103 (413) 781-8205. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in CT, MA, ME, NH, VT, RI, and DC, and extending to points in the U.S., restricted to services arranged or procured by Tripp Associates, Ltd.

MC 157182, filed July 16, 1981. Applicant: PARKWAY DISTRIBUTORS, INC., P.O. Box 9216, Corpus Christi, TX 78048. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768 (512) 476-6083. Transporting *such commodities* as are dealt in or used by grocery, food and drug business houses, between points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, NE, NV, NM, OH, UT, OK, OR, TN, TX, WA, WI, AND WY.

MC 157183, filed July 16, 1981. Applicant: SERVICE LINES, 5720 Tulane Drive SW., Atlanta, GA 30336. Representative: Howard W. Teal, 3002 Anderson Drive, Lithia Springs, GA 30057, 404-948-3314. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Greater Atlanta Shippers Association and Schwinn Sales, Inc., both of Atlanta, GA.

MC 157193, filed July 14, 1981. Applicant: THE MUNZENRIEDER CORPORATION d.b.a. UNITED FURNITURE SALES, P.O. Box 280, Pinellas Park, FL 33565. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601, 813-223-2411. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of air filtration products, between points in the U.S., under continuing contract(s) with Precisionaire, Inc., of St. Petersburg, FL.

MC 157213, filed July 20, 1981. Applicant: FOOD SHIPPER'S, INC., 7943 Dubin St., Anchorage, AK 99504. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, 206-624-2832. Transporting *such commodities* as are dealt in by grocery and food business houses, department stores, and hardware stores, between points in WA, on the one hand, and, on the other, points in AK.

#### Volume OPY-2-141

Decided: July 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 50493 (Sub-65), filed July 14, 1981. Applicant: P.C.M. TRUCKING, INC., P.O. Box 249, Kernsville Rd., Orefield,

PA 18069. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, 717-236-9318. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pet foods, between points in NY, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, IL, KY, TN, and MS and points in TX.

MC 77972 (Sub-53), filed July 15, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205, 601-948-8820. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA, and its member-affiliates, and Distribution Services of America, Inc., of Boston, MA, and its member-affiliates.

MC 107522 (Sub-6), filed July 21, 1981. Applicant: PEAK TRANSFER COMPANY, 57 Hathaway St., Wallington, NJ 07057. Representative: Ronald I. Shapps, 450 Seventh Avenue, New York, NY 10123 (212) 239-4610. Transporting *transportation equipment* between points in the U.S., under continuing contract(s) with APD Borg Warner/Eckland Corp. of Franklin Park, IL.

MC 111432 (Sub-18), filed July 23, 1981. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, (217) 753-3925. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Exxon Chemical Americas, a division of Exxon Chemical Co., a division of Exxon Corporation, of Houston, TX. Condition: to the extent any permit issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 123432 (Sub-11F), filed July 22, 1981. Applicant: WISCONSIN COACH LINES, INC., 901 Niagara Street, Waukesha, WI 53187. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603 (312) 236-9375. Transporting *passengers and their baggage*, in round-trip charter and special operations, beginning and ending at points in Fond du Lac, Dodge, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha Counties, WI, and extending to points in the U.S.

MC 129712 (Sub-53), filed July 23, 1981. Applicant: GEORGE BENNETT MOTOR

EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326, (404) 237-6472. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Koppers Company, Inc., of Pittsburgh, PA. Condition: To the extent any permit issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 129923 (Sub-22), filed July 17, 1981. Applicant: SHIPPERS TRANSPORTS, INC., 5005 Commerce St., West Memphis, AR 72301. Representative: Edward G. Grogan, Twentieth Floor, First Tennessee Bldg., Memphis, TN 38103, 901-526-2000. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of apple cider, apple juice, and vinegar, between Belden, Coloma, Grand Rapids, and Hartford, MI, Evansville, IN, and Sodus and Newark, NY, on the one hand, and, on the other, points in the U.S.

MC 141293 (Sub-5), filed July 20, 1981. Applicant: J.R.R.W. TRANSPORT, INC., P.O. Box 5186, Coralville, IA 52241. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501; 515-682-8154. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with H.P. Smith Paper Co., and J. M. Swank Co., Inc., both of Iowa City, IA, San Antonio Foreign Trading Co., of San Antonio, TX, and Cargill, Inc., of Minneapolis, MN.

MC 145442 (Sub-3), filed July 13, 1981. Applicant: COSSAIR MARINE, INC., 11343 Burbank Blvd., North Hollywood, CA 91601. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017, 213-627-8471. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of boats, between points in the U.S.

MC 145502 (Sub-3), filed July 23, 1981. Applicant: COYNE MOTOR SERVICE, INC., 9212 S. Parkside, Oak Lawn, IL 60453. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Bradenton, FL 33507 (813) 758-4153. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Central Ink and Chemical Company, of West Chicago, IL.

MC 149472 (Sub-6F), filed July 22, 1981. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan

Kahn, 1430 Land Title Building, Philadelphia, PA 19110 (215) 561-1030. Transporting *food and related products, and personal care products*, between points in the U.S., under continuing contract(s) with Lever Brothers Company, of New York, NY.

MC 150943 (Sub-4), filed July 14, 1981. Applicant: F. H. SMITH TRANSPORT CO., INC., Box 313, Yellville, AR 72687. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW Suite 1200, Washington, DC 20036, 202-785-0024. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Valentine Truck Brokers, Inc., of Phoenix, AZ.

MC 151173 (Sub-5), filed June 22, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr., (same address as applicant), 404-478-4115. Transporting *malt beverages*, between points in GA, on the one hand, and, on the other, points in AL, AR, FL, IN, LA, MS, MD, MI, MO, NJ, NY, NC, OH, SC, TN, TX, and VA.

MC 151193 (Sub-13), filed July 21, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, (same address as applicant), 201-499-3869. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lever Brothers Company, of New York City, NY.

MC 151283 (Sub-4), filed July 14, 1981. Applicant: MOBY DICK, INC., 815 Max Ave., P.O. Box 20276, Lansing, MI 48901. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933; 517-489-5724. Transporting (1) *parts, materials, equipment, and supplies* used in the manufacture, sale, and distribution of automobiles, trucks, and tractors, between the facilities of Ford Motor Company and Scientific Brake & Equipment Company, and their customers and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S., and (2) *food and related products*, between the facilities of Kellogg Company and its customers and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151753 (Sub-3), filed July 20, 1981. Applicant: M. W. CYCLE HAULER, INC., 11909 Santa Fe Dr., Lenexa, KS 66215. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612 (913) 233-9629. Transporting *rubber and plastic products*, between Kansas City,

KS, on the one hand, and, on the other, points in the U.S.

MC 152302 (Sub-1), filed July 20, 1981. Applicant: CHARLES E. ARMES, 917 West 9th St., Jonesboro, IN 46938. Representative: Charles E. Armes (same address as applicant), (317) 674-4834. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hartson and Kennedy Cabinet Top Inc., of Marion, IN.

153183 (Sub-3), filed July 21, 1981. Applicant: GUILLERMO GUILLEN, d.b.a. GUILLEN & SON TRUCKING, 5809 Pilar Court, San Jose, CA 95120. Representative: Eldon M. Johnson, 650 California St. Suite 2808, San Francisco, CA 94108; 415-986-8696. Transporting *materials, equipment, and supplies* used in the manufacture and assembly of motor vehicles, between points in Cameron, El Paso, Hidalgo, Maverick, and Val Verde Counties, TX, on the one hand, and, on the other, points in CA.

MC 153822 (Sub-4F), filed July 16, 1981. Applicant: JONES TRUCK LINE, INC., 1206 1/2 3rd Avenue, N.W., Fort Dodge, IA 50501. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309 (515) 244-2329. Transporting *transportation equipment*, between Chicago, IL, on the one hand, and, on the other, points in Iowa.

MC 154623 (Sub-1), filed July 21, 1981. Applicant: MACHINERY TRANSPORTS OF ILLINOIS, INC., 300 Ashland, Morton, IL 61550. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034; 405-348-7700. Transporting *self-propelled vehicles, those commodities which because of their size or weight require the use of special handling or equipment, and machinery*, between points in AR, IL, IA, IN, KS, KY, MI, MN, MO, OH, TN, and WI.

MC 156293, filed July 23, 1981. Applicant: MADDEN TRUCKING, INC., 805 East 10th St., Leon, IA 50144. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309 (515) 243-8164. Transporting *lumber and lumber products*, between points in Benton County, AR, on the one hand, and, on the other, points in CO, IA, IL, KS, MN, MO, NE, OK, SD, TX, and WY.

MC 156883, filed July 23, 1981. Applicant: MARVIN SWAFFORD, 991 N. Sanctuary Rd., Chattanooga, TN 37421. Representative: M. C. Ellis, % Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402 (615) 756-3620. Transporting *clay, concrete, glass, or stone products*, between points in the U.S., under continuing contract(s)

with Concrete Service Company, of Chattanooga, TN.

MC 157252, filed July 17, 1981. Applicant: MONARCH WOOD PRODUCTS COMPANY, 942 Spyglass Drive, Eugene, OR 97401. Representative: Willie Kenneth Holland (same address as applicant) 503-683-2848. Transporting (1) *lumber and wood products*, between points in OR, WA, and CA, and (2) *metal products, machinery, and clay, concrete, glass or stone products*, between points in OR and WA.

MC 157253, filed July 22, 1981. Applicant: ROPACO CONTRACTING CO., 5516 Lyndale Ave. So., Suite 205, Minneapolis, MN 55419. Representative: Robert D. Givold, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333-1341. Transporting *chemicals and related products*, between points in Carlton and St. Louis Counties, MN, on the one hand, and, on the other, points in ID, MI, MT, ND, OR, SD, UT, WA, WI, and WY.

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Decided: July 22, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 8544 (Sub-43), filed July 16, 1981. Applicant: GALVESTON TRUCK LINES CORP., 7415 Wingate, Houston, TX 77011. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760 (301) 840-8565. Transporting *food and related products*, between points in Oklahoma County, OK, on the one hand, and, on the other, points in TX.

MC 112395 (Sub-6), filed July 10, 1981. Applicant: CITIZEN EXPRESS, INC., 38 North French Broad Ave., Asheville, NC 28801. Representative: Robert D. Schuler, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013, (313) 645-9600. Transporting *general commodities* (except classes A and B explosives), between points in NC, SD, Knox County, TN, and those in TN on and east of Interstate Hwy 75.

MC 115694 (Sub-2), filed July 10, 1981. Applicant: J. BALLEW & SONS, INC., P.O. Box 47, Stuarts Draft, VA 24477. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107 (215) 735-3090. Transporting *general commodities* (except classes A and B explosives), between the facilities of Evans Products Company and its subsidiaries, in and east of MN, IA, MO, AR and TX, on the one hand, and, on the other, points in the U.S.

MC 128235 (Sub-28), filed July 13, 1981. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall NE., Minneapolis,

MN 55413. Representative: Earl L. Hacking, II, 1700 New Brighton Blvd., Minneapolis, MN 55413 (612) 781-6653. Transporting (1) *malt beverages*, between Memphis, TN, on the one hand, and, on the other, Minneapolis, and St. Cloud, MN; and (2) *wine*, between Chicago, IL and Minneapolis, MN.

MC 136605 (Sub-168), filed July 14, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: Thomas J. Burke, Jr., 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264 (303) 861-4028. Transporting *materials, equipment and supplies* used in, incidental to, or in connection with the construction, operation, repairing, servicing and maintenance of pipelines, (a) between points in MT, ND, SD, MN, IA and IL and (b) between points named in (a) above, on the one hand, and, on the other, points in the U.S.

MC 143394 (Sub-27), filed July 14, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant) (717) 249-2425. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 144694 (Sub-2), filed July 13, 1981. Applicant: RIVERSIDE TRUCKING, INC., P.O. Box 351, Pell City, AL 35125. Representative: T. A. Flemming, Sr. (same address as applicant) (205) 884-2471. Transporting *metal products*, between the facilities of U.S. Steel Corporation, at those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, 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 148035 (Sub-12), filed July 13, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th St., Omaha, NE 68110. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397-7033. Transporting *petroleum, natural gas and their products*, between points in Pottawattamie County, IA, on the one hand, and, on the other, points in SD, KS, MO, and MN.

MC 150255 (Sub-2), filed July 14, 1981. Applicant: LEPRINO TRANSPORTATION COMPANY, 3740 Shoshone St., Denver, CO 80211. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202 (303) 892-6700. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Circle C Beef Company of Denver, CO and

Sterling Colorado Beef Company of Sterling, CO.

MC 152045 (Sub-2), filed July 7, 1981. Applicant: CASON COMPANIES, INC. d.b.a. CASON BUILDERS SUPPLY, 1880 Spartanburg Hwy, Hendersonville, NC 28739. Representative: Charles Epharim, 406 World Center Building, 918 16th Street, N.W., Washington, D.C. 20006 (202) 833-1170. Transporting *general commodities* (except classes A and B explosives), between points in NC, SC, and TN, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 152774, filed July 13, 1981. Applicant: LEO GLYNN d.b.a. EMERALD DISTRIBUTION CO., 3101 Mercier No. 262, Kansas City, MO 64111. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105 (816) 221-1464. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Fox-Vliet Drug Co. of Wichita, KS.

MC 154634, filed July 16, 1981. Applicant: ANTHONY A. GROSSMAN and GUADALUPE GARZA and DONALD D. RESSELL a partnership d.b.a. J & G TRANSPORTATION, 16701 Edwards Rd., Cerritos, CA 90701. Representative: Anthony A. Grossman (same address as applicant) (213) 404-3592. Transporting (1) *metal and metal products and scarp*, between points in the U.S. and (2) (a) *cast iron pipe and fittings*, (b) *aluminum and copper were, plastic pipe and fittings and cements*, (c) *brass, bronze and copper products*, (d) *furnances, air conditioners and solar collectors*, (e) *aluminum and aluminum products, brass, bronze and copper products and electrical equipment*, between points in CA, AZ, NV, OR, UT and WA.

MC 157134, filed July 13, 1981. Applicant: SUPER CARRIER COMPANY, INC., 3250 South Pulaski Rd., Chicago, IL 60623. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601 (312) 332-5106. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, and points in Kenosha County, WI, on the one hand, and, on the other, points in WI, MI, IA, MO, IN, MN, OH, and IL.

MC 157144, filed July 14, 1981. Applicant: QUALITY FUEL & TRANSPORTATION, INC., 895 Massachusetts Ave., Boston, MA 02118. Representative: Paul Wolinsky (same address as applicant) (617) 445-0023. Transporting *petroleum products* between points in MA and RI, on the

one hand, and, on the other, points in NH, RI, and MA.

MC 157145, filed July 14, 1981  
Applicant: DAVID M. RENSINK d.b.a. DSR TRUCKING, P.O. Box 474, Riviera, AZ 86442. Representative: Robert C. Harrison, 4299 James Dr., Carson City, NV 89701 (702) 882-5649. Transporting *general commodity* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Claypool and Co., of Needles, CA

#### Volume No. OPY-3-129

Decided: July 27, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams. (Member Williams not participating).

MC 2934 (Sub-109), filed July 16, 1981.  
Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant) (317) 875-1142. Transporting *household goods, furniture, and fixtures*, between points in AK, on the one hand and, on the other, points in the U.S.

MC 9644, (Sub-11), filed July 13, 1981  
Applicant: HAYES TRUCK LINE, INC., 1410 Intercity Trafficway P.O. Box 4060 Kansas City, MO 64101 Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244-2329. Transporting *food and related products*, between points in Lancaster County, NE, on the one hand, and, on the other, points in MO.

MC 14314 (Sub-52), filed July 17, 1981.  
Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Broadway and Vine Sts., Lima, OH 45802. Representative: R. L. Anderhalt, Jr. (same address as applicant) (419) 222-8045. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Rohm and Hass Company, of Philadelphia, PA.

MC 90274 (Sub-4), filed July 15, 1981.  
Applicant: J. J. BRADY & SONS, INC., P.O. Box 545, Beverly Farms, MA 01915. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53d St., Miami, FL 33166 (305) 592-0036. Transporting (1) *horses* (except livestock), and (2) *stable supplies and equipment* used in the care and exhibition of horses, and attendants and their baggage, in the same vehicle with horses, between points in the U.S.

MC 107515 (Sub-1420), filed July 16, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., N.E., 5th Fl.-Lenox Towers So., Atlanta, GA

30326 (404) 262-7855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Xerox Corporation of Rochester, NY.

MC 114334 (Sub-95), filed July 13, 1981.  
Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Rd., Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103 (901) 525-6781. Transporting *metal and metal products*, between points in Madison County, TN, on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 115955 (Sub-31), filed July 16, 1981.  
Applicant: SCARI'S DELIVERY SERVICE, INC., P.O. Box 2627, Wilmington, DE 19805. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113 (215) 365-5141. Transporting *general commodities* (except classes A and B explosives), between points in New Castle County, DE, on the one hand, and, on the other, points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, VA, VT, and DC.

MC 121205 (Sub-4), filed July 17, 1981.  
Applicant: SPECIAL SERVICE DELIVERY CO., INC., 2514 Bridge Ave., Cleveland, OH 44113. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215 (614) 228-1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of photographic products and cosmetics, between Columbus and Cleveland, OH, on the one hand, and, on the other, points in PA, WV, KY, and IN.

MC 123285 (Sub-13), filed July 17, 1981.  
Applicant: CLETIX TRUCKING, INC., P.O. Box 812, Cleburne, TX 76031. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332-4415. Transporting *commodities in bulk*, between the facilities of Halliburton Services, a division of Halliburton Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 125254 (Sub-81), filed July 16, 1981.  
Applicant: MORGAN TRUCKING CO., 1201 E. 5th St., P.O. Box 714, Muscatine, IA 52761. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *Malt beverages*, between Memphis, TN, Winsón-Salem, NC, and Omaha, NE, on

the one hand, and, on the other, points in IA.

MC 125535 (Sub-31), filed July 15, 1981.  
Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm, (same address as applicant) (314) 569-1161. Transporting (1) *copper and copper products*, (2) *wire and cable*, (3) *flexible steel conduit*, and (4) *wrought steel pipe*, between points in the U.S. under continuing contract(s) with Cerro Wire and Cable Company Inc., of Maspeth, NY.

MC 129124 (Sub-35), filed July 13, 1981.  
Applicant: SAMUEL J. LANSEBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., N.W., Washington, DC 20036, (202) 659-5157. Transporting (1)(a) *ores and minerals*, and (b) *clay, concrete, glass or stone products*, between points in NY, on the one hand, and, on the other, points in CT and VA, and (2) *coal and coal products*, between points in PA, on the one hand, and, on the other, points in WV.

MC 129384 (Sub-4), filed July 7, 1981.  
Applicant: BETHANY EXPRESS, INC., Box 4005, Sta. A, Kansas City, MO 64101. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64088, (816) 781-6000. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Omaha, NE, and Ottumwa, IA, from Omaha over U.S. Hwy 275 to junction U.S. Hwy 34, and then over U.S. Hwy 34 to Ottumwa, and return over the same route; (2) Between Omaha, NE, and Clarinda, IA, (a) from Omaha over U.S. Hwy 275 to Glenwood, IA, then over U.S. Hwy 34 to junction U.S. Hwy 71, and then over U.S. Hwy 71 to Clarinda, and return over the same route, and (b) from Omaha, over U.S. Hwy 275 to junction IA Hwy 2, and then over IA Hwy 2 to Clarinda, and return over the same route; (3) Between Omaha, NE, and Rockport, MO, (a) over U.S. Hwy 275, and (b) over Interstate Hwy 29 to junction U.S. Hwy 136, and then over U.S. Hwy 136 to Rockport, and return over the same route; (4) Between Des Moines, IA, and Decatur, IA, from Des Moines over IA Hwy 163 to Oskaloosa, IA, then over IA Hwy 63 to Bloomfield, IA, and then over IA Hwy 2 to Decatur, and return over the same route; (5) Between St. Joseph, MO, and junction U.S. Hwy 59 and U.S. Hwy 34, over U.S. Hwy 59; (6) Between Bedford, IA, and junction U.S. Hwy 34 and IA Hwy 49, over IA Hwy 49; (7) Between Des Moines and Oskaloosa, IA, from Des Moines over IA Hwy 5 to Knoxville, IA, and then over IA Hwy 92 to

Oskaloosa, and return over the same route; (8) Between Des Moines and Moravia, IA, over IA Hwy 5; (9) Between Des Moines, IA, and the junction of IA Hwy 2 and IA Hwy 40, from Des Moines over U.S. Hwy 65 to junction IA Hwy J-54, then over IA Hwy J-54 to junction IA Hwy S-22, then over IA Hwy S-22 to Allerton, IA, and then over IA Hwy 40 to junction IA Hwy 2, and return over the same route; (10) Between Monroe and Corydon, IA, over IA Hwy 14; (11) Between Monroe and Centerville, IA, from Monroe over IA Hwy 14 to junction IA Hwy 5, and then over IA Hwy 5 to Centerville, and return over the same route; (12) Between Omaha, NE, and St. Joseph, MO, over Interstate Hwy 29; (13) Between the junction of U.S. Hwy 136 and Interstate Hwy 29 and Maryville, MO, over U.S. Hwy 136; (14) Between St. Joseph, MO, and Lineville, IA, from St. Joseph over MO Hwy 6 to Trenton, MO, and then over U.S. Hwy 65 to Lineville, and return over the same route; and (15) Between Seymour, IA, and the junction of IA Hwy 55 and IA Hwy 2, over IA Hwy 55.

MC 138505 (Sub-17), filed July 16, 1981. Applicant: METROPOLITAN CONTRACT SERVICES INC., 6000 So. Ulster St., Suite 206, Englewood, CO 80111. Representative: Ralph Fox (same address as applicant) (303) 773-8883. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S., under continuing contract(s) with G. Fox & Co. of Hartford, CT.

MC 141635 (Sub-3), filed July 13, 1981. Applicant: LAVERN GIBSON SERVICE COMPANY, INC., P.O. Box 1123, Henderson, TX 75652. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768 (512) 476-6391. Transporting *machinery*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 144484 (Sub-15), filed July 13, 1981. Applicant: FREIGHTWAYS, INC., 438 E. 2nd St., P.O. Box 31, Eldon, MO 65026. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244-2329. Transporting *general commodities* (except classes A and B explosives), between points in Camden, Miller, Morgan, and Benton Counties, MO, on the one hand, and, on the other, points in the U.S.

MC 145454 (Sub-22), filed July 13, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603 (312) 782-8880. Transporting *food and related products*, between points in Cook County, IL, 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 145454 (Sub-23), filed July 20, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603 (312) 782-8880. Transporting *food and related products*, between points in Denver County, CO, Peoria and Warren Counties, IL, Cass County, IN, Cherokee, Linn, Page, Polk, and Woodbury Counties, IA, Wyandotte County, KS, Jefferson County, KY, Prince George County, MD, Freeborn, and Hennepin Counties, MN, Saline County, MO, Douglas County, NE, and Oklahoma County, OK, on the one hand, and, on the other, points in the U.S.

MC 147704, filed July 10, 1981. Applicant: CARTER CARTAGE COMPANY, INC., 1818 Winchester Dr., Indianapolis, IN 46227. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204 (317) 635-2339. Transporting (1) *pulp, paper and related products* and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Technicarbon Company, Inc. of Indianapolis, IN and Willamette Industries, Inc. of Portland, OR.

MC 149035 (Sub-3), filed July 13, 1981. Applicant: HARLAN D. RUDD, P.O. Box 57, Drakesville, IA 52552. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501 (515) 682-8154. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with D. W. Henderson Products, Ltd., of Calgary, Alberta, Canada.

MC 150494, filed July 20, 1981. Applicant: SIMCOE COACH LINES LIMITED R.R. 3, Sutton West, Ontario, Canada LOE 1R0. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202 (716) 854-5870. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, in sightseeing and pleasure tours, beginning and ending at ports of entry on the international boundary line between the U.S. and Canada and extending to points in the U.S.

MC 150954 (Sub-35), filed July 14, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: Rudy Opperman (same address as applicant) (512) 824-9481. Transporting *general commodities*

(except classes A and B explosives), between points in the U.S.

MC 151904 (Sub-2), filed July 17, 1981. Applicant: D M B TRANSPORTATION CORP., 141 Provost St., Jersey City, NJ 07306. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904 (201) 572-5551. Transporting *such commodities* as are dealt in by retail department stores, between points in NY and NJ, on the one hand, and, on the other, points in CT, DE, NY, OH, and PA.

MC 153035, filed July 20, 1981. Applicant: CALIFORNIA INDUSTRIAL PRODUCTS, INC., 11525 Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Robert G. Ames (same address as applicant) (213) 941-3281. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Acme Fast Freight, Inc. of Los Angeles, CA.

MC 154754, filed July 15, 1981. Applicant: W & W TRUCKING, INC., P.O. Box 9623, Memphis, TN 38109. Representative: R. Connor Wiggins, Jr., 100 North Main Bldg., Suite 909, Memphis, TN 38103 (901) 526-4114. Transporting *machinery and metal products*, (1) between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX; and (2) between points in (1) above, on the one hand, and, on the other, points in CA, OR, WA, MT, UT, NM, ID, AZ, CO, WY, and NV.

MC 157154, filed July 17, 1981. Applicant: SCHOEN'S AUTOMOTIVE, INC., 826 Front St., Berea, OH 44017. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017 (614) 889-2531. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with General Motors Corporation of Pontiac, MI.

MC 157185, filed July 17, 1981. Applicant: HUNTERDON TRANSPORT, INC., Route 513, Califon, NJ 07830. Representative: Francis W. McInerney, 1000 16th St., N.W. #502, Washington, DC 20036 (202) 783-8131. Transporting *general commodities*, between points in the U.S., under continuing contracts with A & B Stainless Valve & Fitting Co., Inc., of Califon, NJ, Pittsburgh Forging Company, of Coraopolis, PA, Odece Pipe Service, of Collegeville, PA, Tubeco, Inc., of Brooklyn, NY, Best Industries, Inc., of Orange, CA, Stub Ends Incorporated, of High Bridge, NJ, and Guyon Alloys, Inc., of Harrison, NJ.

MC 157194, filed July 17, 1981. Applicant: ACE & ACME INC., 73 Winthrop Rd., Brookline, MA 02146. Representative: Joey Felman (same address as applicant) (617) 731-1339.

Transporting *furniture and fixtures*, between points in ME, VT, NH, NY, MA, CT and RI.

MC 157195, filed July 17, 1981. Applicant: DANIEL E. GAGAIN d.b.a. D & I TRUCKING, 5715 Angolia Rd., Toledo, OH 43613. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613 (419) 474-6883. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Kaiser Aluminum and Chemical Corporation, of Oakland, CA.

#### Volume No. OPY-3-131

Decided: July 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

FF-145 (Sub-1), filed July 7, 1981. Applicant: TWIN CITY SHIPPERS ASSOCIATION, INC., 347 N. Clinton Street, Chicago, IL 60608. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602 (312) 726-6525. Transporting *general commodities*, between points in Scott County, MN, on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada.

MC 1515 (Sub-301), filed July 15, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant) (602) 248-2492. Over regular routes, transporting *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Binghamton, NY and junction NY Hwy 17 and U.S. Hwy 220 near Sayre, PA over NY Hwy 17, serving no intermediate points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 15735 (Sub-36), filed July 17, 1981. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant) (312) 681-8378. Transporting *such commodities* as are dealt in or used by manufacturers of computers, between points in the U.S., under continuing contract(s) with Control Data Corporation, of Minneapolis, MN.

MC 98535 (Sub-4), filed July 21, 1981. Applicant: STEVEN FREIGHT SERVICE

CO., INC., 16 Sturtevant St., Somerville, MA 02145. Representative: Robert L. Cope, 1730 M St., NW., Suite 501, Washington, DC 20036 (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Stationers Supply Co., of Maywood, IL.

MC 109265 (Sub-31), filed July 21, 1981. Applicant: W. L. MEAD, INC., P.O. Box 31, Cleveland Rd., Norwalk, OH 44857. Representative: Eugene J. Dreher (same address as applicant) (419) 668-1644. Transporting (1) *plastic products*, (2) *cushioned envelopes*, and (3) *packaging machinery*, between points in the U.S., under continuing contract(s) with Sentinel Foam Products, Inc., and Packaging Industries, Inc., both of Hyannis, MA.

MC 111625 (Sub-27), filed July 10, 1981. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 1566, Binghamton, NY 13902. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Springfield, MA 01103. Transporting *general commodities* (except classes A and B explosives) between points in MA, CT, RI, NY, PA, ME, NH and VT.

MC 121805 (Sub-17), filed July 20, 1981. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Avenue, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201, (501) 375-9040. Transporting *general commodities* (except classes A and B explosives), between points in AR, OK, KS, NE, MO KY, TN, LA and MS.

MC 123115 (Sub-25), filed July 22, 1981. Applicant: PACKER TRANSPORTATION CO., 280 Parr Blvd., Reno, NV 89512. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882-5649. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bekaert Steel Corp., of Reno, NV.

MC 126545 (Sub-13), filed July 20, 1981. Applicant: GLENERY, INC., 173 Hickory St., Kearny, NJ 07032. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with J. A. Tucker Co., of Westville, NJ.

MC 144348 (Sub-2), filed July 6, 1981. Applicant: SOYA, INC., Box 396, Dawson, MN 56232. Representative: Ronald C. Anderson, Box 130, Willmar, MN 56201, (612) 235-4313. Transporting

*fertilizer spreaders, truck spreaders, truck sprayers, fertilizer tenders, repair parts and fertilizer trucks*, between points in the U.S., under continuing contract(s) with Fairbanks Equipment Co., Wichita, KS, and Fertilizer Dealer Supply, of Philo, IL.

MC 144694 (Sub-3), filed July 20, 1981. Applicant: RIVERSIDE TRUCKING, INC., P.O. Box 351, Pell City, AL 35125. Representative: T. A. Flemming, Sr. (same address as applicant) (205) 884-2471. Transporting (1) *forest products*, (2) *lumber and wood products*, (3) *pulp, paper and related products*, (4) *clay, concrete, glass or stone products*, (5) *rubber and plastic products*, (6) *machinery*, (7) *metal products*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Portland, OR.

MC 145194 (Sub-11), filed July 17, 1981. Applicant: WOOSTER MOTOR WAYS, INC., 1357 Mechanicsburg Road, P.O. Box 436, Wooster, OH 44691. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215 (614) 224-1541. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Norton Company, at points in the U.S., on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY TN and AL.

MC 145914 (Sub-18), filed July 16, 1981. Applicant: COASTAL TRUCK LINE, INC., P.O. Box 600, How Land, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048 (212) 432-0940. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 146964 (Sub-16), filed July 14, 1981. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Avenue, York, PA 17403. Representative: Michael Valencik (same address as applicant) (717) 845-7030. Transporting *paper and paper products, plastic and plastic products, chemicals, and lumber and lumber products*, between the facilities of Central States Diversified, Inc., at Palatka, FL, St. Louis, MO, and San Antonio, TX, on the one hand, and, on the other, points in the U.S.

MC 147524 (Sub-7), filed July 21, 1981. Applicant: SINED LEASING, INC., 106 High Street, Mt. Holly, NJ 08060. Representative: Frank L. Newburger III, 17th Floor, 1234 Market Street, Philadelphia, PA 19107 (215) 854-7190. Transporting *sugar*, between points in the U.S., under continuing contract(s)

with National Sugar Refining Company, of Philadelphia, PA.

MC 151234, filed July 17, 1981. Applicant: FLORES AND STURGEON ENTERISES, INC., P.O. Box 203, Taft, TX 78390. Representative: Carlos Besinaiz (same address as applicant) (512) 227-5189. Transporting *Mercer Commodities*, between points in the U.S., under continuing contract(s) with Hitox Corporation, of America, of Corpus Christi, TX.

MC 153114 (Sub-3), filed July 20, 1981. Applicant: OLYMPIC EXPRESS, INC., 2960 E. 81st St., Bloomington, MN 55420. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424 (612) 927-8855. Transporting (1) *food and related products*, between points in Stark County, ND, Eau Claire County, WI, Martin, Nobles, Watonwan and Wright Counties, MN, Minneapolis and St. Paul, MN, on the one hand, and, on the other, points in the U.S. and (2) *general commodities* (except classes A and B explosives), between points in La Crosse and Douglas Counties, WI, and Goodhue, Olmsted, St. Louis, Wabasha and Winona Counties, MN, on the one hand, and, on the other, points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN.

MC 153294, filed July 17, 1981. Applicant: A YANKEE LINE, INC., P.O. Box 281, Allston, MA 02134. Representative: Michael Eby, Ten P.O. Sq., Boston, MA 02109 (617) 482-1900. Transporting *passengers and their baggage*, in the same vehicle, in special operations, between points in MA, CT, RI, NH, on the one hand, and, on the other, points in Brevard, Broward, Dade, Hillsborough, Orange and Volusia Counties, FL.

MC 153634, filed July 20, 1981. Applicant: RAND E. LITTLE, d.b.a. LITTLE-MONTANA TRANSPORTATION, P.O. Box 3485, 704 E. Front St., Bozeman, MT 59715. Representative: Rand E. Little (same address as applicant) (406) 586-4503. Transporting (1) *pulp, paper and related products*, and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Lily Division of Owens-Illinois, of Toledo, OH.

MC 155514, filed July 20, 1981. Applicant: WAYNE CAUDELL, 305 14th St., Woodward, OK 73801. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147 (405) 945-2722. Transporting *Mercer commodities*, between points in OK, LA, TX, CO, and WY.

MC 156295 filed July 17, 1981. Applicant: DALE DONALDSON d.b.a. D & M TRUCKING, P.O. Box 736, Lancaster, TX 75146. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103 (817) 332-4718. Transporting (1) *textile mill products*, between points in Murray, Whitfield, and Gordon Counties, GA, on the one hand, and, on the other, points in TX, and (2) *rubber and plastic products*, between points in Tarrant County, TX, on the one hand, and, on the other, points in AL, CA, LA, OK, MS, OK, and WA.

MC 156865, filed July 20, 1981. Applicant: BRINDLE LEDGE FARMS, INC., 78 West Merrimac St., Manchester, NH 03101. Representative: Vincent E. DuBuc (same address as applicant). Transporting *horses*, between points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN to the international boundary line between the United States and Canada.

MC 156925 (Sub-1), filed July 20, 1981. Applicant: PHILADELPHIA SHIP MAINTENANCE CO., INC. d.b.a. PHILLYSHIP, 826-34 South Swanson Street, Philadelphia, PA 19147. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Transporting *ship machinery parts and ship stores*, between Philadelphia, PA, on the one hand, and, on the other, Portland, ME, Providence, RI, New Haven, CT, New York, NY, Baltimore, MD and Norfolk, VA.

MC 157234, filed July 21, 1981. Applicant: COMMERCIAL DISTRIBUTION SERVICE, INC., 210 South 18th St., Sparks, NV 89431. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108 (415) 986-8696. Transporting *general commodities* (except classes A and B explosives), between Carson City, NV, and points in Churchill, Douglas, Lyon, Storey, and Washoe Counties, NV and El Dorado, Lassen, Nevada, Placer, Plumas, and Sierra Counties, CA.

MC 147524 (Sub-5), filed June 23, 1981, previously published in the Federal Register issue of July 9, 1981. Applicant: SINED LEASING, INC., 106 High St., Mt. Holly, NJ 08060. Representative: Frank L. Newburger, III, 17th Floor, 1234 Market St., Philadelphia, PA 19107 (215) 854-7190. Transporting *food and related products*, between points in U.S., under continuing contract(s) with Richardson Corporation, of Macedon, NY.

Note.—This republication indicates applicant is a contract carrier.

#### Volume No. OPY-5-116

Decided: July 28, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 2229 (Sub-276), filed July 20, 1981. Applicant: SPECTOR RED BALL, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Joseph S. Ruscetta (same address as applicant) (214) 631-4220. Transporting *pulp and pulpboard*, between points in the U.S., under continuing contract(s) with Temple Eastex, of Silsbee, TX.

MC 5888 (Sub-65), filed July 16, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th St., Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603 (312) 236-9375. Transporting *machinery*, between points in Hennepin and Ramsey Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 48958 (Sub-222), filed July 20, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189 (806) 374-1641. Transporting *papereries*, between points in the U.S., under continuing contract(s) with Current, Inc., of Colorado Springs, CO.

MC 50069 (Sub-568), filed July 20, 1981. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 44616 Earlwood Ave., Oregon, OH 43615. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566-5639. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of New York, NY.

MC 112989 (Sub-147), filed July 17, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So., Eugene, OR 97405. Representative: John T. Morgans (same address as applicant) (503) 747-1283. Transporting (1) *ores and minerals* (2) *clay, concrete, glass, or stone products*, (3) *chemicals and related products*, and (4) *Mercer commodities*, between the facilities used by Rocky Mountain Refractories at points in CA, ID, NV, ND, UT, and WY, on the one hand, and, on the other, points in AL, AZ, CA, CO, ID, KS, LA, MT, NE, NV, NM, ND, OK, SD, TX, UT, and WY.

MC 113158 (Sub-53), filed July 17, 1981. Applicant: TODD TRANSPORT COMPANY, INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank

Bldg., Philadelphia, PA 19107 (215) 735-3090. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between the facilities used by Wakefern Food Corporation, at points in CT, NJ, and NY, on the one hand, and, on the other, points in the U.S.

MC 119349 (Sub-39), filed July 16, 1981. Applicant: STARLING TRANSPORT LINES, INC., 3620 S. U.S. 1 Federal Hwy., Fort Pierce, FL 33450. Representative: E. Stephen Heisley, 666 Eleventh St., NW., 805 McLachlan Bank Bldg., Washington, D.C. 20001 (202) 628-9243. Transporting *petroleum, natural gas and their products*, between points in Venango County, PA, on the one hand, and, on the other, points in AL, FL, and GA.

MC 129219 (Sub-31), filed July 16, 1981. Applicant: CMD TRANSPORTATION, INC., 12340 S. E. Dumolt Road, Clackamas, OR 97015. Representative: Philip G. Skofstad, 529 S. E. Grand Ave., Portland, OR 97214 (503) 239-4157. Transporting *such commodities* as dealt in or used by agricultural equipment, industrial equipment, and lawn and leisure product dealers, between points in the U.S., under continuing contract(s) with John Deere Company, of Portland, OR.

MC 141428 (Sub-1), filed July 20, 1981. Applicant: ROSS TRANSFER & STORAGE, INC., P.O. Box 2164, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740 (301) 797-6060. Transporting *furniture and fixtures*, between points in Washington County, MD, on the one hand, and, on the other, points in the U.S.

MC 141889 (Sub-15), filed July 17, 1981. Applicant: RONALD DEBOER d.b.a. RON DEBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703 (608) 256-7444. Transporting (1) *pulp, paper and related products*, and (2) *rubber and plastic products*, between points in Ashland and Brown Counties, WI, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 142048 (Sub-10), filed July 14, 1981. Applicant: PACIFIC TRANSPORTATION LINES, INC., 443 Delaware Ave., Buffalo, NY 14202. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202 (716) 853-0200. Transporting *food and related products*, between points in CT, DE, ME, MD, MA, MI, NH,

NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 145468 (Sub-49), filed July 16, 1981. Applicant: KSS TRANSPORTATION CORP., Rt. 1 and Adams Station, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397-7033. Transporting (1) *food and related products*, and (2) *such commodities* as are dealt in or used by restaurants (except those in (1), between points in Wyandotte County, KS, Gloucester County, NJ, Orange County, FL, and Los Angeles and San Francisco, CA, and Dallas, TX, on the one hand, and, on the other, points in the U.S.

MC 145738 (Sub-24), filed July 20, 1981. Applicant: EAST-WEST MOTOR FREIGHT, INC., P.O. Box 607, Highway 45, South, Selmer, TN 38375. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Bldg., 315 Union St., Nashville, TN 37201 (615) 244-2926. Transporting *general commodities* (except classes A and B explosives), between points in Davidson, Wilson, Putnam, Rutherford, Warren, Sumner and Robertson Counties, TN, and Christian and Taylor Counties, KY, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, and PA.

MC 149218 (Sub-16), filed July 20, 1981. Applicant: SUNBELT EXPRESS, INC., U.S. Hwy 78 W., Bremen, GA 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328 (404) 256-4320. Transporting (1) *containers, container closures, container components and packaging products*, (2) *pulp, paper and related products*, and (3) *rubber and plastic products*, between points in the U.S., in and east of MN, IA, NE, CO, OK, and TX.

MC 151418, filed July 20, 1981. Applicant: ROY-L-T-TRUCKING COMPANY, INC., 7117 E. Firestone Blvd., Downey, CA 90241. Representative: Roy Tyra (same address as applicant) (213) 927-4439. Transporting *carpets, rugs and carpet padding*, between points in the U.S., under continuing contract(s) with General Felt Industries, Inc., of Saddlebrook, NJ.

MC 152049 (Sub-2), filed July 17, 1981. Applicant: AIRO SERVICES, INC., 2103 E. 112th St., Tacoma, WA 98445. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235-1111. Transporting *hazardous materials*, between points in San Joaquin County, CA and Arapaho County, CO, on the one hand, and, on the other, points in WA, OR, ID, MT, UT, and WY.

MC 153509 (Sub-4), filed July 10, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Rd., Louisville, KY 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson St., Louisville, KY 40202; 502-584-5519. Transporting *general commodities* (except classes A and B explosives), between points in Jefferson County, NY., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 154758 (Sub-2), filed July 20, 1981. Applicant: HARRY J. MILLER, R.D. 4, Box 467, Williamsport, PA 17701. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (717) 344-8030. Transporting *scrap metal*, between points in Lycoming County, PA, on the one hand, and, on the other, points in OH.

MC 154768, filed July 16, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N. W. 108th, Suite B, Des Moines, IA 50322. Representative: Harold W. Sternberg (same address as applicant) (515) 278-5864. Transporting *footwear*, between points in the U.S., under continuing contract(s) with Meldisco, of Hackensack, NJ.

MC 157208, filed July 20, 1981. Applicant: HACKENBURG TRUCKING COMPANY, Rt. 3, Long Lake, Three Rivers, MI 49093. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *paper and paper products*, between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Tacoma, WA.

#### Volume No. OPY-5-117

Decided: July 28, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 120098 (Sub-39), filed March 16, 1981. Published initially in the Federal Register on April 9, 1981. Applicant: UINTAH FREIGHTWAYS, 1030 South Redwood Rd., Salt Lake City, UT 84104. Representative: Patrick J. Farley (same address as applicant.) (801) 973-9300. Transporting (1) *chemicals and related products*, and (2) *glass stock* between points in the U.S., under continuing contract(s) with Bennett's of Salt Lake City, UT.

MC 134258 (Sub-5), filed February 9, 1981, previously noticed in the Federal Register issue of March 16, 1981. Applicant: RALPH'S TRANSPORT LTD., 5 Seaton St., St. John, New Brunswick, Canada E2J 2A7. Representative: Francis E. Barrett, Jr., 10 Industrial Park



Rd., Hingham, MA 02043 (617) 749-6500. Transporting *newsprint* in foreign commerce only, between points in the U.S., under continuing contract(s) with MacMillan, Rothersey Ltd. of St. John, New Brunswick, Canada.

Note.—This republication corrects the commodity description of the previous publication.

MC 152238 (Sub-17), filed July 7, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant.) (916) 842-1271. Transporting (1) *pulp, paper and related products*, between points in Maricopa County, AZ, Pierce County, WA, and CA, on the one hand, and, on the other, points in the U.S., (2) *metal and metal products*, between Seattle, WA, and points in CA and UT, on the one hand, and, on the other, points in and west of MN, IA, MO, AR, and LA, (3) *building materials*, between Chicago, IL, and points in Shasta, Humboldt, Siskiyou, and Tehama Counties, CA, Mesa County, CO, Lincoln Parish, LA, Flathead and Mineral Counties, MT, Putnam and Holmes Counties, OH, Pacific, Lewis Grays Harbor, and Snohomish Counties, WA, and Sawyer County, WI, and points in ID and OR, on the one hand, and, on the other, points in the U.S., and (4) *lumber and wood products*, between points in Sonoma, Mendocino, Plumas, Glenn, Kern, Tuolumne, Butte, and Nevada Counties, CA, Pend Orielle and Walla Walla Counties, WA, Freemont County, WY, and Panola, Jasper, Hardin, Walker, Trinity, Angelina, and Dallas Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 152279, filed July 2, 1981. Applicant: 747 TRUCKING, INC., Bingham Rd., Marlboro, NY 12542. Representative: Joseph B. Carr, 41 State St., Albany, NY 12207, (518) 462-7481. Transporting *such commodities* as are dealt in by wholesale, retail, and chain grocery and drug stores and food business houses, between points in NY, on the one hand, and, on the other, points in NJ.

MC 154768 (Sub-1), filed July 16, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N. W. 108th St., Suite B, Des Moines, IA 50322. Representative: Harold W. Sternberg, (same address as applicant), (515) 278-5864. Transporting *wearing apparel*, between points in the U.S., under continuing contract(s) with K-Mart Apparel Corp., of Bergen, NJ.

MC 154988, filed March 27, 1981. Published initially in the Federal Register on April 14, 1981. Applicant: DONALD DODD d.b.a. DODD TRUCKING, Rural

Route 2, Box 17 C, Fountaintown, IN 46130. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317-846-6655. Transporting *food and related products*, between points in Franklin County, OH, Milwaukee County, WI, Peoria, and Saint Clair Counties, IL, Campbell County, KY, Wayne County, MI, Ramsey County, MN, Houston County, GA, and Rockingham County, NC, on the one hand, and on the other, points in the IN.

Note.—This application is republished to show Campbell County, KY in lieu of Campbell County, IL.

MC 155189, filed July 20, 1981. Applicant: R. B. BROWNS TRUCKING, INC., 5758 Crater Lake Hwy., Medford, OR 97501. Representative: Jerry R. Woods, Suite 1600, One Main Place, 101 SW Main St., Portland, OR 97204 (503) 224-5525. Transporting *lumber and lumber mill products*, between points in Douglas County, OR, on the one hand, and on the other, points in the CA.

MC 155649, filed July 20, 1981. Applicant: OKLAHOMA AND NEW ORLEANS TRANSIT, 400 W. College St., Guthrie, OK 73044. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064 (615) 790-2510. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Shelby Dinettes, Inc., of Houston, TX.

MC 157248, filed July 17, 1981. Applicant: ROBERT COGGINS AND ROYCE RICHARDSON d.b.a. SOUTHWEST LEASE AND OPERATORS SERVICE, P.O. Box 347, Bowie, TX 76230. Representative: James W. Hightower, First Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237 (214) 339-4108. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Intercontinental Pipe & Steel, Inc., of Dallas, TX.

MC 157249, filed July 17, 1981. Applicant: LIN LINES INC., 700 E. Tahquitz-McCallum Way, Palm Springs, CA 92262. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076 (201) 322-5030. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in the U.S., under continuing contract(s) with Gadabout Tours, Inc., d/b/a Anderson Travel Service, of Palm Springs, CA. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-22618 Filed 8-3-81; 8:45 am]  
BILLING CODE 7035-01-M

## INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

### United States Section; Intent Not To Prepare Environmental Impact Statement

**AGENCY:** United States Section, International Boundary and Water Commission, United States and Mexico.

**ACTION:** Intent not to prepare an environmental impact statement.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Council of Environmental Quality Regulations, and the Agency's "Operational Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969" dated October 26, 1979, the Agency hereby gives notice that an environmental impact statement is not found necessary for the signing of an agreement with Mexico for a one year extension of an existing agreement to provide on a standby basis for the emergency delivery of a portion of Mexico's allocation of Colorado River water to Tijuana, B.C.N. through existing facilities in California.

The findings of the environmental assessment of this action are that it does not constitute a major federal action which would cause significant local, regional or national impact on the environment. As a result of these findings, Mr. J. F. Friedkin, Commissioner, has determined that the preparation and review of an environmental impact statement are not needed for this action.

**FOR FURTHER INFORMATION CONTACT:** George R. Baumli, Principal Engineer, Investigations and Planning Division, International Boundary and Water Commission, United States Section, 4110 Rio Bravo, El Paso, Texas 79902, 915-543-7304.

**SUPPLEMENTARY INFORMATION:** Minute No. 240 provided for a five year emergency delivery through facilities in California and a short pipeline extension to a point on the international boundary near Tijuana, Mexico, to temporarily help meet the city's municipal water needs using a portion of the Colorado River water allocated to Mexico under the 1944 Water Treaty. This agreement was amended and supplemented six times and the present agreement, Minute No. 263, extends to August 14, 1981 on a standby basis.

The Government of Mexico is constructing an aqueduct to convey a portion of its allotment of Colorado River water to Tijuana, and when it is

completed, the need for emergency deliveries of water under Minute No. 263 will cease. Mexico does not expect to commence operation of the aqueduct until late 1982.

The Commission proposes that Minute No. 263 be extended for a period of one year for emergency deliveries on a standby basis.

Signed at El Paso, Texas this 22nd day of July, 1981.

M. R. Ybarra,

Secretary.

[FR Doc. 81-22560 Filed 8-3-81; 8:45 am]

BILLING CODE 4710-03-M

## DEPARTMENT OF JUSTICE

[AAG/A Order No. 74-81]

### Privacy Act of 1974; New System of Records

The Office of Personnel Management (OPM) has discontinued its "Governmentwide" system of records entitled "Grievance Records, OPM/GOVT-2." Therefore, those agencies required to continue maintaining grievance records by name or other personal identifier must publish their own system of records pursuant to the Privacy Act (5 U.S.C. 552a). Accordingly, the Justice Management Division, Department of Justice is establishing a "Departmentwide" system entitled "Grievance Records, Justice/JMD-005."

The description of the Department's system is substantially the same as the deleted Governmentwide system last published on October 26, 1979 (44 FR 61708). However, minor changes have been made which are consistent with a separate publication by individual agencies. For example, the "System name" and "System location" sections of the notice have been changed. In addition, the "Notification procedures," "Record access procedures," and "Contesting record procedures" sections have been changed. Some reference cites have also been substituted. No substantive revisions have been made except that subparagraph (h) of the routine use section has been revised to include the OPM as one of the agencies to whom information may be disclosed to perform its authorized duties.

Although the Grievance Records system is essentially a continuation of a system previously published by OPM for all Government agencies, the OPM has deleted that system and the Department hereby publishes notice of its own system consistent with the public requirement of 5 U.S.C. 552a(e) (4) and (11). However, since the revision to subparagraph (h) is compatible with the

purpose for which the information in the system is collected, no report to the Office of Management and Budget or the Congress is required.

Inquiries or comments may be submitted in writing to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th & Constitution Avenue, NW., Washington, D.C. 20530. All comments must be received by September 3, 1981. If no comments are received within thirty days, the new routine use will be adopted as set forth. No oral hearings are contemplated. The new system is printed below in its entirety.

Dated: July 24, 1981.

Kevin D. Rooney,  
*Assistant Attorney General for Administration.*

#### Justice/JMD-005

##### SYSTEM NAME:

Grievance Records.

##### SYSTEM LOCATION:

Records relating to grievances originating in an office, board or division (defined in 28 CFR 0.1) are located in the office of the Associate Director for Operations, Personnel and Training Staff (PTS). Records relating to grievances originating in a particular bureau (defined in 28 CFR 0.1) are located in the central personnel office of the bureau where the grievance originated, except for the Federal Bureau of Investigation (FBI) which is excluded from coverage of the Agency Administrative Grievance System by 5 CFR 771.206(a). (See caption "System managers and addresses.")

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Department of Justice employees, except for employees of the FBI, who have submitted grievances in accordance with 5 CFR Part 771 (Office of Personnel Management (OPM) regulations) and the Department's grievance procedures, or in accordance with a negotiated grievance procedure.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under 5 CFR Part 771 and the Department's grievance procedures, or under a negotiated grievance procedure. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, and a copy of any original and final decision and related correspondence and

exhibits. This system includes files and records of internal grievance and arbitration systems that PTS and the bureaus may establish through negotiations with recognized labor organizations.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(f); 5 CFR Part 771; 5 U.S.C. 1032, 3301, 3302; E.O. 10577; 3 CFR 1954-1958 Comp., p. 218.

##### ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

- a. To disclose pertinent information to another appropriate Federal, State, or local agency, responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Department becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
- b. To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.
- c. To disclose information to another Federal agency (in response to its request) for its use in the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security and/or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary to its decision on the matter.
- d. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.
- f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2908.
- g. By the Department or OPM in the production of summary descriptive statistics, if available, and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and

studies do not contain individual identifiers, in some instances the selection of data elements included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; the Equal Employment Opportunity Commission; or, the OPM when requested to perform their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to labor organization officials recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

These records are maintained in file folders.

**RETRIEVABILITY:**

These records are retrieved by the names of the individuals on whom they are maintained.

**SAFEGUARDS:**

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

**RETENTION AND DISPOSAL:**

These records are disposed of three years after closing of the case. Disposal is by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

a. *Offices, Boards and Divisions.* Associate Director for Operations, Personnel and Training Staff, U.S. Department of Justice, 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

b. *Bureau of Prisons.* Personnel Officer, Bureau of Prisons, HOLC Building, 320 First Street, N.W., Washington, D.C. 20534.

c. *Drug Enforcement Administration.* Personnel Officer, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537.

d. *Immigration and Naturalization Service.* Assistant Commissioner for Personnel, Immigration and Naturalization Service, CAB Building,

425 I Street, N.W., Washington, D.C. 20530.

e. *Office of Justice Assistance, Research and Statistics.* Personnel Officer, Office of Justice Assistance, Research and Statistics, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

f. *United States Marshals Service.* Personnel Officer, U.S. Marshals Service, 1 Tysons Corner Center, McLean, Virginia 22102.

**NOTIFICATION PROCEDURES:**

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. The may, however, contact the appropriate personnel office (named under the caption "System managers and addresses" above) where the action was processed regarding the existence of such records on them. They must furnish the following information for the records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

**RECORD ACCESS PROCEDURES:**

It is required that the individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the appropriate personnel office (named under the caption "System managers and addresses" above) where the action was processed. Individuals must provide the information listed under the caption "Notification procedures" for their records to be located and identified. Individuals requesting access must also follow the Department's Privacy Act regulations (28 CFR 16.41) regarding access to records and verification of identity.

**CONTESTING RECORD PROCEDURES:**

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to the records to correct factual errors should contact the personnel office (named under the caption "System managers and

addresses" above) where the grievance was processed. Individuals must furnish the information listed under the caption "Notification procedures" for their records to be located and identified.

Individuals requesting amendment must also follow the office's Privacy Act regulations (28 CFR 16.41) regarding amendment to records and verifications of identity.

**RECORD SOURCE CATEGORIES:**

Information in this system of records is provided:

- a. By the individual on whom the record is maintained.
- b. By testimony of witnesses.
- c. By Department officials.
- d. From related correspondence from organizations or persons.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 81-22647 Filed 8-3-81; 8:45 am]  
BILLING CODE 4410-01-M

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications; Peterson Industries, Inc., et al.**

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in

the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: David O. Williams, Administrator, U.S. Employment Service, Room 8000 Patrick Henry Building, Employment & Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of July 1981.

Luis Sepulveda,  
Acting Director, Office of Program Services.

#### Applications Received During the Week Ending August 1, 1981

Name of applicant and location of enterprise	Principal product or activity
Peterson Industries, Inc., City of Decatur, Benton County, Arkansas.	Integrated poultry operation: broiler and breeder production.
Defco, Inc., Morgan County, Decatur, Alabama.	Manufacture of air and hydraulic cylinders, pumps, strainers and valves, and go-flo controls.

#### Applications Received During the Week Ending August 1, 1981—Continued

Name of applicant and location of enterprise	Principal product or activity
Mountaineer Corporation, De-Queen, Sevier County and Nashville, Howard County, Arkansas.	Poultry operation.

[FR Doc. 81-22649 Filed 8-3-81; 8:45 am]  
BILLING CODE 4510-30-M

#### Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-66; Exemption Application Nos. D-2166 and D-2167]

**Richard S. Ehrenfeld, Inc., Money Purchase Pension Plan and the Richard S. Ehrenfeld, Inc., Defined Benefit Pension Plan, Located in Newport Beach, California; Exemption for Certain Transactions**

**AGENCY:** Department of Labor.

**ACTION:** Grant of individual exemption.

**SUMMARY:** This temporary exemption would exempt for a period of five years the placement of second trust deeds with the Richard S. Ehrenfeld, Inc. Money Purchase Pension Plan and the Richard S. Ehrenfeld, Inc. Defined Benefit Pension Plan (the Plans) by Richard S. Ehrenfeld, Inc. (the Employer), and the guarantees of repurchase of second trust deeds which are in default, by the Employer and Richard S. Ehrenfeld (Mr. Ehrenfeld), disqualified persons with respect to the Plans.

**TEMPORARY NATURE OF EXEMPTION:** This exemption is temporary and will expire five years after the date of grant.<sup>1</sup> Should the applicant wish to continue these transactions beyond the five year period, the applicant may submit another application for an exemption. **FOR FURTHER INFORMATION CONTACT:** Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8884. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On June 26, 1981, notice was published in the Federal Register (46 FR 33143) of the pendency before the Department of

<sup>1</sup> In order that the repurchase guarantee made to the Plans will not be frustrated by the temporary nature of the exemption, exemptive relief will be extended for the repurchase of second trust deeds by the Employer from the Plans after the five year term of the exemption which were placed with the Plans during the term of the exemption.

Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (F) of the Code, for the transactions described in an application filed on behalf of the Plans by its legal counsel. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. Since Mr. Richard S. Ehrenfeld is the only participant in the Plans and the sole stockholder of the Employer, it was determined that there was no need to distribute the notice of pendency to interested persons. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary of other disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

**Exemption**

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B., 722, and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (F) of the Code, shall not apply to the placement of second trust deeds with the Plans by the Employer and to the repurchase guarantees by the Employer and Mr. Ehrenfeld with respect to second trust deeds which are in default, provided that the terms of each transaction are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 28th day of July, 1981.

Ian D. Lanoff,

*Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.*

[FR Doc. 81-22648 Filed 8-3-81; 8:45 am]

BILLING CODE 4510-29-M

**NAVAJO AND HOPI INDIAN RELOCATION COMMISSION****Commission Operations and Relocation Procedures; Priorities for Consideration of Applications for Financial Assistance**

**AGENCY:** Navajo and Hopi Indian Relocation Commission (Commission).

**ACTION:** Notice of Priorities for Consideration of Applications for Financial Assistance under 25 CFR 700.459(a) and 700.457(a).

**SUMMARY:** On May 22, 1981, a final rule for the administration of Discretionary Funds was published in the *Federal Register* (46 FR 27916-27919). One section of that rule (25 CFR 700.461) provides that the Commission shall prioritize those types of applications for

financial assistance which would most effectively achieve the purposes of §§ 700.459(a) and 700.457(a). In developing the following list of priorities, the Commission solicited views from interested groups on which types of projects would most assist persons subject to relocation as required by 25 CFR 700.461. The Commission has determined that the most significant problems facing the Commission are the acquisition of suitable land for the benefit of relocatees and the employment needs of relocatees. The Commission has also determined that not less than 70 percent of the fiscal year 1982 Discretionary Fund may be used for Category I (25 CFR 700.459) type projects and up to 30 percent of the fiscal year 1982 Discretionary Fund may be used for Category II (25 CFR 700.457) type projects. This list is being published pursuant to said 25 CFR 700.461.

**EFFECTIVE DATE:** August 4, 1981.

**FOR FURTHER INFORMATION CONTACT:**

Paul M. Tessler, C.F.R. Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone No.: (602) 779-3311, ext. 1376, FTS: 261-1376.

The principal author is William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002.

Accordingly, the following lists of priorities for consideration of Applications for Financial Assistance under 25 CFR 700.459(a) and 700.457(a), is hereby established:

**Category I Funds (25 CFR 700.459) Up to 100 Percent Funding**

Those research and development projects which will materially assist the Navajo Tribe and relocatees in the evaluation, selection, acquisition, and planning of land sites identified by the Commission as suitable for relocation purposes and uses which include the following:

1. Residential/Community Development
2. Agricultural/Grazing Uses
3. Commercial/Industrial Development
4. Labor Market Analysis and Job Development Counseling.

Those projects concerning Residential/Community Development, Agricultural/Grazing Uses, or Commercial/Industrial Development which specifically address the following will be given first consideration:

- Water Resources Exploration
- Soil Analysis
- Topographical Studies
- Accessibility Studies (transportation/communication)

Agricultural Development Potential  
Commercial Development Potential  
Industrial Development Potential

**Category II Funds (25 CFR 700.457) Up to 30 Percent Funding**

Those research and development projects which will materially assist the tribes, host communities, towns, cities, and other entities, in the identification and accommodation of needs to assist families subject to relocation which include the following:

1. Job Development and Counseling Services
2. Post-Move Counseling and Referral Services.

**Roger Lewis,**

*Chairman, Navajo-Hopi Indian Relocation Commission.*

[FR Doc. 81-22583 Filed 8-3-81; 8:45 am]

BILLING CODE 4310-HB-M

**NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES****Music Panel (Jazz Section); Meeting**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Jazz Section of the Music Advisory Panel to the National Council on the Arts will be held on August 24-29, 1981, from 9:00 a.m. to 5:30 p.m. in Room 1340 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c), (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

**John H. Clark,**

*Director, Office of Council and Panel Operations, National Endowment for the Arts.*  
July 29, 1981.

[FR Doc. 81-22609 Filed 8-3-81; 8:45 am]

BILLING CODE 7537-01-M

## NUCLEAR REGULATORY COMMISSION

### Applications for Licenses to Export/Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W.,

Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before September 3, 1981. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this 29th day of July 1981, at Bethesda, Maryland.

For the Nuclear Regulatory Commission,  
**James R. Shea,**  
*Director, Office of International Programs.*

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Delegation of the Community of European Communities, June 29, 1981, July 6, 1981, XSNM01848	93.3 percent enriched uranium....	7.018	6.547	Fuel for GRR-1 Res. Reactor .....	Greece.
Transnuclear, July 14, 1981, July 16, 1981, XSNM01686(02).	3.8 percent enriched uranium.....	<sup>1</sup> 1664.0	<sup>1</sup> 63.23	Reload fuel for Gosgen-Daniken .....	Switzerland.
Mitsubishi International, July 14, 1981, July 21, 1981, XSNM01849.	3.25 percent enriched uranium....	20,908	680	Routine reload for Ohi Unit 2 .....	Japan.
Mitsubishi International, July 14, 1981, July 21, 1981, XSNM01850.	2.85 percent enriched uranium....	13,056	373	Routine reload for Takahama Unit 2 .....	Do.
Mitsubishi International, July 14, 1981, July 21, 1981, XSNM01851.	2.85 percent enriched uranium....	20,518	585	Routine reload for Mihama Unit 3 .....	Do.
Mitsubishi International, July 14, 1981, July 21, 1981, XSNM01852.	2.45 percent enriched uranium....	10,744	264	Routine reload for Mihama Unit 1 .....	Do.
Mitsubishi International, July 14, 1981, July 21, 1981, XSNM01853.	3.25 percent enriched uranium....	14,631	476	Routine Reload for Ohi Unit 2 .....	Do.
Mitsubishi International, July 14, 1981, July 21, 1981, XSNM01854.	2.85 percent enriched uranium....	20,518	585	Routine reload for Mihama Unit 3 .....	Do.
Transnuclear, July 20, 1981, July 21, 1981, XSNM01855.	19.95 percent enriched uranium....	54.135	10.800	Fuel for the Janus 3 Research Reactor.....	Indonesia.
Transnuclear, July 24, 1981, July 24, 1981, ISNM01699(06)77.1.	77.1 percent enriched uranium....	11.349	8.751	Irradiated Fuel for Reprocessing at SR00 .....	From South Africa
Eflow International, July 21, 1981, July 21, 1981, ISNM81014.	2.65 percent enriched uranium....	1,850	49	U <sub>2</sub> O <sub>7</sub> and UO <sub>2</sub> for purification and conversion to UO <sub>2</sub> ..	From Sweden.

<sup>1</sup> Additional.

[FR Doc. 81-22620 Filed 8-3-81; 8:45 am]

BILLING CODE 7590-01-M

### [Docket 50-255-SP]

#### Consumers Power Co. (Palisades Nuclear Power Facility); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Consumers Power Company* (Palisades Nuclear Power Facility), Docket No. 50-255-SP, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Jerry R. Kline. Dr. John R. Lamarsh, who was a member of this Board, is deceased.

As reconstituted, the Board is comprised of the following Administrative Judges:  
Elizabeth S. Bowers, Chairman  
Dr. Peter A. Morris  
Dr. Jerry R. Kline  
All correspondence, documents and

other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Dr. Jerry Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 28th day of July 1981.

**B. Paul Cotter, Jr.,**  
*Chief Administrative Judge Atomic Safety and Licensing Board Panel.*

[FR Doc. 81-22621 Filed 8-3-81; 8:45 am]

BILLING CODE 7590-01-M

### [Docket Nos. 50-413 and 50-414]

#### Duke Power Co., et al; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972,

published in the **Federal Register** (37 FR 38710) and 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered:

Duke Power Company, et al, Catawba Nuclear Station, Units 1 and 2, Construction Permit Nos. CPPR-116 and CPPR-117

This Board is being constituted pursuant to a notice published by the Commission on June 25, 1981, in the **Federal Register** (46 FR 32974-75)

entitled, "Duke Power Co., et al.; Notice of Receipt of Application for Facility Operating Licenses; Availability of Applicants' Environmental Report; Consideration of Issuance of Facility Operating Licenses; and Notice of Opportunity for Hearing."

The Board is comprised of the following Administrative Judges:

James L. Kelley, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Dixon Callihan, Union Carbide Corporation, P.O. Box Y, Oak Ridge, Tennessee 37830

Dr. Richard F. Foster, P.O. Box 4263, Sunriver, Oregon 97701

Issued at Bethesda, Maryland, this 28th day of July, 1981.

B. Paul Cotter, Jr.,

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 81-22622 Filed 8-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

**Florida Power Corp., et al; Issuance of Amendment to Facility Operating License and Negative Declaration**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the license and Technical Specifications (TSs) for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment: (1) authorizes the facility power level to be increased from 2452 MWt to 2544 MWt, and (2) corrects a typographical error on TS page 3/4 3-8.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10

CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with Item 1, above, was published in the **Federal Register** on March 28, 1979 (44 FR 18569). No request for a hearing or petition for leave to intervene was filed following this notice of proposed action. Prior public notice of Item 2 was not required since it does not involve a significant hazards consideration.

The Commission has prepared an Environmental Impact Appraisal for the power increase and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributed to this action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated May 1973.

For further details with respect to this action, see (1) the applications for amendment dated November 29, 1978, February 28, 1979, November 20, 1979, and July 9, 1981, and supplemental filings, (2) Amendment No. 41 to License No. DPR-72, (3) Advisory Committee on Reactor Safeguards letter dated May 13, 1981, and (4) the Commission's related Safety Evaluation/Environmental Impact Appraisal. 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 Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. 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 21st day of July 1981.

For the Nuclear Regulatory Commission,

John F. Stolz,

*Chief, Operating Reactors Branch No. 4, Division of Licensing.*

[FR Doc. 81-22623 Filed 8-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-424 and 50-425]

**Georgia Power Co., et al; Issuance of Amendments to Construction Permits**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Construction Permit No. CPPR-108 and Amendment No. 2 to Construction Permit No. CPPR-109. The amendment

reflects the change in plant design—the enclosure building modifications. Georgia Power Company has sole responsibility for the design construction, and operation of the facilities, which are located in Burke County, Georgia. The amendments are effective as of the date of issuance.

The amendment permits the replacement of the enclosure building with an equipment building. Notice of Proposed Issuance of Amendments to Construction Permits CPPR-108 and CPPR-109 was published in the Federal Register on February 24, 1981 (46 FR 13865). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the amendments.

In connection with the issuance of these amendments, the Commission has issued a Negative Declaration and Environmental Impact Appraisal.

For further details with respect to the action, see (1) the application for amendment dated December 19, 1980, and supplementary information dated August 21, 1979, and December 30, 1980, (2) Amendment No. 2 to Construction Permit Nos. CPPR-108 and CPPR-109, (3) the Commission's related Safety Evaluation, (4) the Environmental Impact Appraisal and (5) the Negative Declaration supporting the amendments to the construction permits. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Burke County Public Library, Fourth Street, Waynesboro, Georgia 30830. In addition, a copy of items (2), (3), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland this 24th day of July 1981.

For the Nuclear Regulatory Commission.

**B. J. Youngblood,**  
Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-22624 Filed 8-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-424 and 50-425]

**Georgia Power Co., et al; Negative Declaration Supporting Amendment No. 2 to CPPR-108 and Amendment No. 2 to CPPR-109 Relating to the Enclosure Building Modifications; Alvin W. Vogtle Nuclear Plant, Unit Nos. 1 and 2**

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the amendments to Construction Permits CPPR-108 and CPPR-109 relating to the enclosure building modifications at the Alvin W. Vogtle Nuclear Plant, Unit Nos. 1 and 2. The amendments would delete the enclosure building and its related equipment and replace it with an equipment building from grade to the 270-foot level and commit Georgia Power Company to a more restrictive containment leak rate. In accordance with 10 CFR Part 51, the Commission's Division of Licensing has prepared an Environmental Impact Appraisal (EIA) for the amendment. Based on the EIA the Commission has concluded that an environmental impact statement for this action is not warranted because there will be no adverse environmental impacts affecting the quality of the human environment, attributable to the proposed action, that would be in addition to those impacts evaluated in the Commission's Final Environmental Statement for Alvin W. Vogtle Nuclear Plant, Unit 1 and 2, issued in March 1974. A negative declaration is, therefore, appropriate.

The EIA is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the local public document room located at the Burke County Public Library, Fourth Street, Waynesboro, Georgia 30830. A copy of the EIA may be obtained upon request, addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of July 1981.

For the Nuclear Regulatory Commission.

**B. J. Youngblood,**  
Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-22625 Filed 8-3-81; 8:45 am]

BILLING CODE 7590-01-M



[Docket Nos. 50-282 and 50-306]

**Northern States Power Co.; Issuance of Amendments to Facility operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-42, and Amendment No. 43 to Facility Operating License No. DPR-60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise technical specifications to incorporate additional requirements related to: protection from degraded grid voltage conditions, emergency charcoal filter systems, containment fan coolers, residual heat removal systems, diesel generator surveillance, shock suppressors, miscellaneous corrections, organizational changes, clarification of the term operability, control rod position indication systems and fire protection systems. The amendments also provide administrative corrections of Section 3.1 and 4.1 of the Technical Specifications and an administrative correction of the wording of license paragraph 2. C.(3), Physical Protection.

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 declaratrion and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 20, 1980, May 16, 1980 and July 31, 1980 (2) Amendment Nos. 49 and 43 to License Nos. DPR-42 and DPR-60, 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 Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of July, 1981.

For The Nuclear Regulatory Commission.

R. A. Clark,  
Chief Operating Reactors Branch No. 3,  
Division of Licensing.

[FR Doc. 81-22636 Filed 8-3-81; 8:45 am]

BILLING CODE 7590-01-M

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-17981; File No. SR-MSRB-81-11]

**Municipal Securities Rulemaking Board; Proposed Rule Change by Self-Regulatory Organization**

In the matter of proposed rule change relating to syndicate practice; comments requested on or before September 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 17, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

(a) The Municipal Securities Rulemaking Board is filing herewith proposed amendments to rule G-11 (hereafter sometimes referred to as the "proposed rule changes"). The text of the proposed rule changes is as follows:<sup>1</sup>

Rule G-11. Sales of New Issue Municipal Securities During the Underwriting Period.

(a) Definitions. For purposes of this rule, the following terms have the following meanings:

(i) The term "accumulation account" means an account established in connection with a municipal securities

<sup>1</sup> *Italics* indicate new language; [brackets] indicate deletions.

investment trust to hold securities pending their deposit in such trust.

*(ii) The term "date of sale" means, in the case of competitive sales, the date on which all bids for the purchase of securities must be submitted to an issuer, and, in the case of negotiated sales, the date on which the contract to purchase securities from an issuer is executed.*

*[(ii) (iii) The term "group order" means an order for securities held in syndicate, which order is for the account of all members of the syndicate on a pro rata basis in proportion to their respective participations in the syndicate. Any such order submitted directly to the senior syndicate manager will, for purposes of this rule, be deemed to be the submission of such order by such manager to the syndicate.*

*[(iii) (iv) The term "municipal securities investment trust" means a unit investment trust, as defined in the Investment Company Act of 1940, the portfolio of which consists in whole or in part of municipal securities.*

*[(iv) (v) The term "order period" means the period of time, if any, announced by a syndicate during which orders will be solicited for the purchase of securities held in syndicate.*

*(vi) The term "priority provisions" means the provisions adopted by a syndicate governing the allocation of securities to different categories of orders.*

*[(v) (vii) The term "related portfolio," when used with respect to a municipal securities dealer, means a municipal securities investment portfolio of such municipal securities dealer or of any person directly or indirectly controlling, controlled by or under common control with such municipal securities dealer.*

*[(vi) (viii) The term "syndicate" means an account formed by two or more persons for the purpose of purchasing, directly or indirectly, all or any part of a new issue of municipal securities from the issuer, and making a distribution thereof.*

*[(vii) (ix) The term "underwriting period" means the period commencing with the first submission to a syndicate of an order for the purchase of new issue municipal securities or the purchase of such securities from the issuer, whichever first occurs, and ending at such time as the issuer delivers the securities to the syndicate or the syndicate no longer retains an unsold balance of securities, whichever last occurs.*

*(b) Disclosure of Capacity. Every municipal securities dealer that submits an order to a syndicate or to a member of a syndicate for the purchase of municipal securities held by the*

*syndicate shall disclose at the time of submission of such order if the securities are being purchased for its dealer account, for the account of a related portfolio of such municipal securities dealer, for a municipal securities investment trust sponsored by such municipal securities dealer, or for an accumulation account established in connection with such a municipal securities investment trust. [The senior syndicate manager shall promptly disclose to the other members of the syndicate, upon request made prior to final settlement of the syndicate account, each order submitted for such a related portfolio, municipal securities investment trust, or accumulation account, indicating the identity of the related portfolio, municipal securities investment trust, or accumulation account, the aggregate face amount of each maturity and the maturity dates of the securities which are the subject of the order].*

*(c) No change.*

*(d) Disclosure of Group Orders. Every municipal securities dealer that submits a group order to a syndicate or to a member of a syndicate, shall disclose at the time of submission of such order the identity of the person for whom the order is submitted. [The senior syndicate manager shall promptly disclose to the other members of the syndicate, upon request made prior to final settlement of the syndicate account, each group order, indicating the identity of the person for whom the order is submitted, the aggregate face amount of each maturity and the maturity dates of the securities which are the subject of the order.]*

*(e) Priority [of Orders] Provisions. Every syndicate shall establish [the priority to be accorded to different types of orders for the purchase of securities from the syndicate during the underwriting period] priority provisions and, if such priority provisions may be changed, the procedure for making changes. For purposes of this rule, the requirement to establish priority provisions shall not be satisfied if a syndicate provides only that the syndicate manager or managers may determine in the manager's or managers' discretion the priority to be accorded different types of orders. Notwithstanding the preceding sentence, a syndicate may include a provision permitting the syndicate manager or managers on a case-by-case basis to allocate securities in a manner other than in accordance with the [agreed upon order of] priority provisions, if the syndicate manager or managers determine in its or their discretion that it*

is in the best interests of the syndicate. In the event any such allocation is made, the syndicate manager or managers shall have the burden of justifying that such allocation was in the best interests of the syndicate.

(f) Communications Relating to Priority [of Orders] Provisions and Order Period. Prior to the first offer of any securities by a syndicate, the senior syndicate manager shall furnish in writing to the other members of the syndicate (i) the priority [to be accorded to different types of orders for securities to be distributed by the syndicate] provisions, (ii) the procedure, if any, by which such priority provisions may be changed, (iii) if the senior syndicate manager or managers are to be permitted on a case-by-case basis to allocate securities in a manner other than in accordance with the [agreed upon order of] priority provisions, the fact that they are to be permitted to do so, and (iv) if there is to be an order period, whether orders may be confirmed prior to the end of the order period. Any change in the priority provisions [governing the priority of orders] shall be promptly furnished in writing by the senior syndicate manager to the other members of the syndicate. Syndicate members shall promptly furnish in writing the information described in this section to others, upon request.

(g) Disclosure of Allocation of Securities. The senior syndicate manager shall, within ten business days following the date of sale, disclose to the other members of the syndicate, in writing, the following information concerning the allocation of securities to orders submitted through the end of the order period or, if the syndicate does not have an order period, through the first business day following the date of sale:

(i) The identity of each related portfolio, municipal securities investment trust, or accumulation account referred to in section (b) above submitting an order to which securities have been allocated as well as the aggregate par value and maturity date of each maturity so allocated;

(ii) The identity of each person submitting a group order to which securities have been allocated as well as the aggregate par value and maturity date of each maturity so allocated; and

(iii) A summary, by priority category, of the allocation of securities to other orders which, under the priority provisions, were entitled to a higher priority than a member's "take down" order, including any order confirmed at a price other than the original list price, indicating the aggregate par value and

maturity date of each maturity so allocated.

[(g)] (h) Disclosure of Syndicate Expenses and Other Information. At or before the final settlement of a syndicate account, the senior syndicate manager shall furnish to the other members of the syndicate:

(i) An itemized statement setting forth the nature and amounts of all actual expenses incurred on behalf of the syndicate. Notwithstanding the foregoing, any such statement may include an item for miscellaneous expenses, provided that the amount shown under such item is not disproportionately large in relation to the other items of expense shown on the statement and includes only minor items of expense which cannot be easily categorized elsewhere in the statement. Discretionary fees for clearance costs to be imposed by a syndicate manager and management fees shall be disclosed to syndicate members prior to the submission of a bid, in the case of a competitive sale, or prior to the execution of a purchase contract with the issuer, in the case of a negotiated sale. For purposes of this section, the term "management fees" shall include, in addition to amounts categorized as management fees by the syndicate manager, any amount to be realized by a syndicate manager and not shared with the other members of the syndicate, which is attributable to the difference in price to be paid to an issuer for the purchase of a new issue of municipal securities and the price at which such securities are to be delivered by the syndicate manager to the members of the syndicate[.]; and

(ii) A summary statement showing the aggregate par values and prices (expressed in terms of dollar prices or yields) of all securities sold from the syndicate account.

## II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

(a) Rule G-11 sets forth requirements for the disclosure of information to syndicate managers and members, other municipal securities professionals, and the investing public concerning the distribution of new issue municipal securities. The proposed rule changes would modify rule G-11 to clarify certain provisions and to make several substantive changes in the requirements relating to the disclosure of information

by syndicate managers to other syndicate members. These substantive changes are discussed below.

### Disclosure of the Allocation of Securities to Priority Categories

Rule G-11 currently requires that each syndicate formed for the distribution of new issue securities establish a set of priorities for the allocation of securities to different categories of orders received by the syndicate and, if such priorities may be changed, the procedure for making changes. The syndicate manager must furnish written information concerning this set of priorities to other members of the syndicate and, if requested, to non-member dealers and members of the public. The rule requires the disclosure to the syndicate manager of certain information concerning orders placed by a municipal securities dealer for a related portfolio, a municipal securities investment trust sponsored by the dealer, or an accumulation account established in connection therewith (hereafter referred to generally as "related portfolios"), including the identity of the related portfolio for whom the order is placed. Dealers also must disclose to the syndicate manager certain information concerning any group order placed, including the name of the customer. The rule requires that the syndicate manager, in turn, disclose information about related portfolio and group orders promptly to any member of the syndicate who requests it. The disclosure provisions of rule G-11 are intended, among other matters: to enable syndicates to make more informed decisions in allocating securities among prospective purchasers; to provide prospective purchasers with sufficient information about the priority provisions so that they may frame their orders to the syndicate in a manner that enhances their ability to obtain securities; and to render syndicate managers accountable for following the allocation procedures adopted by the syndicate.

Rule G-11 became effective on September 24, 1978, after a long period of intense deliberation by the Board, the industry, and interested members of the public, as well as the Commission. Since that time the Board has been actively engaged in monitoring the impact and effectiveness of the rule. This effort has, in part, involved the formal solicitation of information from industry members and investors. On January 31, 1979, the Board published an exposure draft which would have modified rule G-11 as follows: (1) to abrogate the requirement that a municipal securities dealer which is not a member of a syndicate disclose

the identity of a related portfolio for which an order is placed,<sup>2</sup> and (2) to require the disclosure of the identity of all persons placing orders that would receive preference over members' "take-down" orders.<sup>3</sup> In November 1979, separate surveys were sent to industry members and investors for the purpose of eliciting information to assist the Board in assessing the effectiveness of rule G-11 and the need for possible changes in the rule.<sup>4</sup> On December 9, 1980, the Board released a notice soliciting comments on the draft amendments which are the subject of this filing.

Based upon its extensive evaluation of the operation of rule G-11, the Board has determined to amend the rule to require the disclosure of information which will better enable syndicate members and their customers to determine whether securities have been allocated in accordance with the established priorities and to provide that such information be furnished to syndicate members in a systematic and timely manne.

The proposed rule changes would require that within 10 days from the date of sale, as that term is defined in the rule, syndicate managers must disclose to members certain information concerning related portfolio and group orders to which securities had been allocated, including the identity of the customer. The disclosure would be required with respect to all such orders received through the end of the order period. This information, rather than being provided only to those syndicate members who request it, would be furnished to all members in writing. In addition, syndicate managers would be relieved from the obligation to provide information concerning related portfolio and group orders to which securities had not been allocated. The proposed rule changes also would require that within 10 days from the date of sale, syndicate managers provide in summary form certain information concerning allocations to other orders which, under the priority provisions adopted by the

syndicate, were entitled to a higher priority than a member's "take down" order, including allocations to any order confirmed at a price other than the original list price.

#### *Disclosure of Additional Syndicate Accounting Information*

Rule G-11(g) requires, among other matters, that syndicate managers provide to members at the time of settlement of a syndicate account a detailed statement of the expenses incurred by the syndicate. Rule G-12(j) requires that settlement of a syndicate account and distribution of any profit due to members be made within 60 days of the delivery of the syndicate's securities. The Board is concerned that, under the current rules, there is no requirement to furnish information that would enable syndicate members to verify the syndicate accounting of revenues. Accordingly, the Board has amended rule G-11(g) to require that syndicate managers include in the settlement statement a summary showing the aggregate par values and prices of all securities sold from the syndicate account. For purposes of this disclosure, "prices" could be expressed in terms of either dollar prices or yields.

(b) The Board has adopted the proposed rule changes pursuant to sections 15B(b)(2)(C) and 15B(b)(2)(K) of the Securities Exchange Act. Section 15B(b)(2)(C) provides that the Board's rules must

be designed \* \* \* to promote just and equitable principles of trade \* \* \* to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest; and [must] not be designed to permit unfair discrimination between customers \* \* .

Section 15B(b)(2)(K) authorizes and directs the Board to adopt rules to \* \* \* establish the terms and conditions under which any municipal securities dealer may sell, or prohibit any municipal securities dealer from selling, any part of a new issue of municipal securities to a municipal securities investment portfolio during the underwriting period.

The Board continues to believe that the disclosure approach reflected in rule G-11, which is intended to provide to participants in the new issue market information that will enable them to understand and evaluate syndicate practices and to lessen the disparity in information between the manager and other members of the syndicate, is an appropriate response to these mandates of the Exchange Act. However, as indicated above, the Board has concluded that certain changes in the kind of information required and the

manner of its disclosure are necessary in order to better realize these goals.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition.*

The Board believes that the proposed rule changes will have no significant negative impact on competition and would, in fact, promote competition by increasing the information available in the marketplace regarding the allocation of new issue municipal securities.

The comment letter submitted by Bankers Trust Company suggested that syndicate managers may, in order to minimize their reporting obligations under the proposed rule changes, attempt to create underwriting syndicates "with fewer members, each of which has large participations." The Board expects that any increased costs associated with the proposed rule changes which a manager incurs would be shared with the other members of the syndicate. Furthermore, the Board does not believe that the additional costs and administrative burdens for syndicate managers would be so significant as to outweigh other business reasons for structuring syndicates as they are structured presently.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.*

On December 9, 1980, the Board released a notice soliciting comments on the proposed rule changes. A total of 13 comment letters were received in response to the notice from the following persons:

- Members of Subcommittee on Municipal and Governmental Obligations of the Federal Regulation of Securities Committee, Section of Corporation, Banking and Business Law of the American Bar Association (the "ABA")
- Municipal Securities Subcommittee of American Insurance Association (the "AIA")
- Bankers Trust Company, ("Bankers Trust")
- Clayton Brown & Associates, Inc. ("Clayton Brown")
- Columbian Securities, Inc. ("Columbian")
- Office of the Comptroller of the Currency (the "Comptroller")
- Dealer Bank Association (the "DBA")
- The First National Bank of Chicago ("First Chicago")
- Investment Corporation of Virginia Kirchner Moore & Company ("Kirchner Moore")
- John Nuveen & Co. Incorporated ("Nuveen")

<sup>2</sup> An amendment to rule G-11 which would exempt dealers who are not members of the syndicate from this disclosure obligation was filed with the Commission on October 25, 1979 (File No. SR-MSRB-79-11). See Securities Exchange Act Rel. No. 16309 (October 31, 1979), 44 FR 64578 (November 7, 1979). The amendment has not yet been approved by the Commission.

<sup>3</sup> After consideration of the comments received, the Board decided not to adopt this proposal. Copies of the comment letters submitted in response to the January 31, 1979 exposure draft are on file at the offices of the Board.

<sup>4</sup> A report on the G-11 survey was published by the Board on December 12, 1980. A copy of that report is on file at the offices of the Board.

Public Securities Association (the "PSA")  
Sullivan & Cromwell.

Copies of the December 9, 1980 notice and the comment letters are on file at the offices of the Board.<sup>5</sup>

#### *Allocation of Securities to Priority Categories*

Columbian, the Comptroller, the DBA, Investment Corporation of Virginia, and Kirchner Moore expressed support for the proposed amendments.

The AIA indicated that it had reviewed the proposals and had no comments.

The ABA, Bankers Trust, Clayton Brown, First Chicago, Nuveen, the PSA, and Sullivan & Cromwell expressed varying degrees of opposition to the Board's proposals. All of these commentators asserted that there was no apparent need for changing the rule. The PSA and First Chicago contended that there has been no demonstration of significant abuses of syndicate priority rules and that, in any event, syndicate members may learn of such abuses by requesting the information which is required to be provided to them under the present provisions of rule G-11. Bankers Trust, First Chicago, and Sullivan & Cromwell questioned the validity of the rule G-11 survey, which they asserted the Board had relied upon in concluding that changes in the rule were necessary. The PSA also suggested that the survey was conducted too soon after the effective date of the rule to provide an accurate reflection of how well the rule was operating. The Board recognizes that certain survey results could be interpreted differently and, as indicated above, has not relied solely upon these results in determining that rule G-11 should be amended. The survey was only a part of the Board's ongoing efforts to monitor the operation of the rule. As a result of these efforts, the Board has concluded that information concerning actual allocations would be of importance to syndicate members and their customers. The timely disclosure of such information would substantially increase their understanding of syndicate practices and would better enable them to make independent determinations regarding whether allocations were in conformity with the established priority provisions.

First Chicago and Sullivan & Cromwell suggested that if allocation

information were required, the purposes of the rule would be adequately served if such information were available only upon request. On the other hand, Investment Company of Virginia and Kirchner Moore stressed the desirability of providing in the rule that allocation information be furnished as a matter of course to all syndicate members. The Comptroller stated that current provisions of the rule relating to the disclosure of information to syndicate members upon their request are unenforceable and that for purposes of effective compliance examination and enforcement, any disclosures should be required to be furnished in writing. The Board believes that a requirement to disclose allocations in writing to all members would help to assure that allocations are, in fact, made according to the established priorities. Further, the information is of sufficient importance that it should be provided as a matter of course to all participants in an underwriting venture.

The ABA, First Chicago, and Sullivan & Cromwell questioned the need for requiring that allocations to priority categories be disclosed within 10 days from the date of sale rather than at a later time. The Board believes that a syndicate member who concludes, based upon allocation information available shortly after the date of sale, that an improper allocation was made may be in a better position to obtain some remedial relief for its customer from the manager. Further, in the Board's view, group orders belong to all members of the syndicate and, accordingly, information with respect to allocations to such orders should be available to all members while such information still has market value. The Board notes that the proposed time period would provide greater certainty than the "promptly" standard of the current rule.

Nuveen and First Chicago emphasized the costs and administrative burdens of providing allocations information within the time frame proposed. The Board has carefully considered comments concerning additional mailing and other costs associated with the proposal. The Board believes that certain mailing costs could be minimized by incorporating the allocation information into other communications which syndicate managers ordinarily send to members within the 10-day period. The Board was not persuaded by comments to the effect that this time period was inadequate for the compilation of accurate allocation information. The Board recognizes that the proposed rule changes will involve certain costs and administrative

burdens but believes that they are fully justified by the attendant benefits.

Reference is also made to the discussion contained under Item 4 above concerning certain written comments submitted by Bankers Trust.

#### *Disclosure of Additional Syndicate Accounting Information*

The text of the December 1980 notice relating to the draft amendments to rule G-11 described a proposed requirement that syndicate managers furnish to members at the time of settlement of the account a statement showing the price levels at which all securities had been confirmed. Several commentators noted a discrepancy between this description and language of the draft amendments which would require disclosure of the allocation of all securities to priority categories. The Board concluded that since this proposal was intended to provide information which would enable syndicate members to verify the accounting of revenues, the required disclosure should be limited to price information.

#### **III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the

<sup>5</sup> A copy of a memorandum concerning oral comments submitted by certain municipal securities dealers during meeting with Board representatives on March 19, 1981 is also on file at the offices of the Board.

Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 28, 1981.

George A. Fitzsimmons,  
Secretary.

(FR Doc. 81-22644 Filed 8-3-81; 8:45 am)  
BILLING CODE 8010-01-M

[Release No. 17982; SR-MSE-81-6]

### Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change

July 29, 1981.

On June 5, 1981 the Midwest Stock Exchange, Incorporated ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would provide that after the completion of a distribution of its securities, no MSE member corporation which has any publicly held security outstanding shall effect any transaction (except on an unsolicited basis) for the account of any customer in, or make any recommendation with respect to, any such security issued by such member corporation. The same prohibition would apply to securities issued by any corporation controlling, controlled by, or under common control with such member corporation. Existing MSE Rule 20 provides a blanket prohibition against a member corporation trading in or recommending its own securities or those of any parent or sister corporation. The proposed rule change, thus, would permit an MSE member corporation to participate in a distribution of its own securities and to act as an underwriter in such distributions, subject to any applicable law.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 34-17882, June 22, 1981) and by publication in the *Federal Register* (46 FR 33157, June 26, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

(FR Doc. 81-22645 Filed 8-3-81; 8:45 am)  
BILLING CODE 8010-01-M

## DEPARTMENT OF STATE

### Office of the Secretary

[Public Notice 766]

#### Certain Foreign Passports: Validity

Under the provisions of section 212(a)(26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport.

This order incorporates those countries which have concluded such agreements subsequent to Public Notice 633 of October 19, 1978. The following foreign governments have concluded agreements with the Government of the United States:

Algeria	Bangladesh (travel permit and passport)
Australia	Belgium
Austria (Reisepass only)	Bolivia
Bahamas. The	

Brazil	Luxembourg
Cambodia	Madagascar
Canada	Mauritius
Chile	Mexico
Colombia	Monaco
Costa Rica	Morocco
Cuba	Netherlands
Cyprus	New Zealand
Denmark	Nicaragua (diplomatic and official passports only)
Dominican Republic	Nigeria
Ecuador	Norway
Egypt	Pakistan
El Salvador	Panama
Ethiopia	Paraguay
Finland	Peru
France	Philippines
Germany (FRG) (Reisepass and kinderausweis)	Portugal
Greece	Qatar
Guatemala	Senegal
Guinea	Soviet Union (U.S.S.R.) (seaman only)
Guyana	Spain
Honduras	Sri Lanka
Iceland	Sudan
India	Sweden
Iran	Switzerland
Ireland	Syria
Israel	Thailand
Italy	Togo
Ivory Coast	Trinidad and Tobago
Jamaica	Tunisia
Japan	Turkey
Korea	United Kingdom
Laos	Uruguay
Lebanon	Venezuela
Libya	Yugoslavia
Liechtenstein	

In addition, travel documents issued by the Government of the Trust Territory of the Pacific Islands are considered to be valid for the return of the bearer to the Trust Territory for a period of six months beyond the expiration date specified therein.

Public Notice 633 of October 19, 1978 issued at 43 FR 48751 and amendments thereto are hereby superseded.

Dated: July 20, 1981.

Diego C. Asencio,  
Assistant Secretary for Consular Affairs.

(FR Doc. 81-22613 Filed 8-3-81; 8:45 am)  
BILLING CODE 4710-06-M

[Public Notice 767]

#### Certain Nonimmigrant Visas; Validity

Notice is hereby given that consular officers are authorized to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act (temporary visitors for business or pleasure) valid for an indefinite period of time to otherwise eligible nationals of the following countries, inclusive of British subjects resident in the Bahamas and Netherlands nationals resident in Surinam, which offer reciprocal or more liberal treatment to nationals of the

United States who are in similar class. This order, which adds Mexico to the list and incorporates recent amendments, will be amended from time to time to include other countries which accord similar privileges to United States citizens.

Austria	Maldives, Republic of
Bahamas	Malta
Barbados	Mexico (B-2 only)
Belize	Monaco
Belgium	Morocco
Botswana	Netherlands
Central African Republic	Netherlands Antilles
Chile	New Zealand
Cyprus	Norway
Denmark	Paraguay
Fiji	Portugal
Finland	Saint Pierre and
France	Miquelon
Germany, Federal	San Marino
Republic of	Seychelles, Republic of
Greece	Singapore
Iceland	Spain
Ireland	Surinam
Israel	Sweden
Italy	Switzerland
Jamaica	Trinidad and Tobago
Lesotho	Tunisia
Liechtenstein	Turkey
Luxembourg	United Kingdom
Malawi	Uruguay

Public Notice 634 of October 19, 1978, issued at 43 FR 48751 and any amendment thereto are hereby superseded.

Dated: July 20, 1981.

Diego C. Asencio,  
Assistant Secretary for Consular Affairs.

[FR Doc. 81-22614 Filed 8-3-81; 8:45 am]  
BILLING CODE 4710-06-M

## SUSQUEHANNA RIVER BASIN COMMISSION

### Water Resources; Proposed Comprehensive Plan Amendment; Public Hearing

The Susquehanna River Basin Commission will hold a public hearing to receive comments from citizens, government agencies and others on a proposed amendment to its *Comprehensive Plan for Management and Development of the Water Resources of the Susquehanna River Basin*. The hearing has been scheduled for Thursday, October 15, 1981 at the Commission headquarters building, 1721 N. Front St., Harrisburg, Pa. in conjunction with the regular meeting of the Commission at 9:00 a.m.

The Susquehanna River Basin Compact, Pub. L. 91.575, 84 Stat. 1509 et seq., requires the Commission to maintain a Comprehensive Plan for the immediate and long-range use,

management and development of the water and related resources of the basin. Initially adopt in December 1973, the Plan provides a basinwide strategy to guide the Commission and others in the management, use and conservation of the basin's resource developments that the Commission must, by law, approve. Federal agencies must exercise their powers in a manner that does not substantially conflict with the Comprehensive Plan.

In May 1978, the Commission adopted an amendment to its Comprehensive Plan calling for the restoration, through the use of fish passage facilities and other means, of the migratory fishery resource (American shad, hickory shad, blueback herring, alewife, striped bass and American eel) to the Susquehanna River system.

Since adoption of this amendment, significant progress has been made in refining the goal of migratory fish restoration into a set of sub-goals, strategies and management actions. Most recently, the Susquehanna River Anadromous Fish Restoration Committee has consolidated these sub-goals, strategies and management actions into a "Strategic Plan for Restoration of Diadromous Fishes to the Susquehanna Basin."

This Strategic Plan was submitted to the Commission on July 8, 1981 and the Commission agreed, at its July 9, 1981 meeting, to consider the Plan for inclusion into the overall SRBC Comprehensive Plan. If adopted into the Comprehensive Plan, the Strategic Plan will better define the means endorsed by the Commission for achieving the original goal of migratory fish restoration.

The October 15th hearing will be informal in nature. Interested parties are invited to attend the hearing and to participate by making oral or written statements presenting their data, views and comments on the proposed amendment. Those wishing to personally appear to present their views are urge to notify the Commission in advance that they desire to do so. However, any person who wishes to be heard will be given opportunity to be heard, whether or not they have given such notice. After the hearing, the Commission will evaluate all relevant material and decide whether to adopt as proposed, modify or not adopt the amendment.

The Commission has a background report available upon request discussing the need for and in support of the proposed amendment. This background report contains copy of the amendment itself. For a copy of the background report or additional information, contact

the Secretary, Richard A. Cairo, Susquehanna River Basin Commission, 1721 N. Front St., Harrisburg, Pa. 17102, (717) 238-0423.

Dated: July 28, 1981.

Robert J. Bielo,  
Executive Director.

[FR Doc. 81-22605 Filed 8-3-81; 8:45 am]  
BILLING CODE 7040-01-M

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 33]

### National Standard Insurance Company, Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to National Standard Insurance Company, Houston, Texas, under Section 6 to 13 of Title 6 of the United States Code, as an acceptable surety on federal bonds, is hereby terminated, effective June 30, 1981.

The company was last listed as an acceptable surety on federal bonds at 45 FR 44509, July 1, 1980.

With respect to any bonds currently in force with National Standard Insurance Company bond-approving officers of the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226, Telephone (202) 634-5010.

Dated: July 28, 1981.

W. E. Douglas,  
Commissioner.

[FR Doc. 81-22589 Filed 8-3-81; 8:45 am]  
BILLING CODE 4810-35-M

## Office of the Secretary

[Department Circular/Public Debt Series—No. 24-81]

13 $\frac{7}{8}$ % Treasury Bonds of 2006-2011  
July 30, 1981.

### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$2,000,000,000 of United States securities, designated 13 $\frac{7}{8}$ % Treasury Bonds of 2006-2011 (CUSIP No. 912810 CV 8). The securities will be sold at auction, with bidding on

the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

## 2. Description of Securities

2.1. The securities will be issued August 17, 1981, and are offered as an additional amount of 13 $\frac{1}{8}$ % Treasury Bonds of 2006-2011 (CUSIP No. 912810 CV 8) dated May 15, 1981. Payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from May 15, 1981, to August 17, 1981. Interest on the securities offered as an additional issue is payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 2011, but may be redeemed at the option of the United States on and after May 15, 2006, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

## 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, August 6, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, August 5, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 92.75 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds;

international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

## 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

## 5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from May 15, 1981, to August 17, 1981, in the amount of \$35,44158 per \$1,000 of securities allotted. Settlement



on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Monday, August 17, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 13, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon

(securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

## 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,  
*Fiscal Assistant Secretary.*

## Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-22727 Filed 7-31-81; 11:27 AM]

BILLING CODE 4810-40-M

## 14½% Treasury Notes of May 15, 1991; Series A-1991

[Department Circular Public Debt Series—  
No. 23-81]

July 30, 1981.

### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$2,250,000,000 of United States securities, designated 14½% Treasury Notes of May 15, 1991, Series A-1991 (CUSIP No. 912827 LW 0). The securities will be sold at auction, with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

### 2. Description of Securities

2.1. The securities will be issued August 17, 1981, and are offered as an additional amount of 14½% Treasury Notes of May 15, 1991, Series A-1991 (CUSIP No. 912827 LW 0) dated May 15, 1981. Payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from May 15, 1981, to August 17, 1981. Interest on the securities offered as an additional issue is payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1991, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any

possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, August 5, 1981.

Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, August 4, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 97.75 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from

commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

### 5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve

Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from May 15, 1981, to August 17, 1981, in the amount of \$37.03804 per \$1,000 of securities allotted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, August 17, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 13, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the

Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be

issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

#### 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make

delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

*Fiscal Assistant Secretary.*

#### Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-22726 Filed 7-31-81; 11:28 am]

BILLING CODE 4810-40-M

# Sunshine Act Meetings

Federal Register

Vol. 46, No. 149

Tuesday, August 4, 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

#### FEDERAL HOME LOAN BANK BOARD.

**TIME AND DATE:** 2 p.m., Friday, July 31, 1981.

**PLACE:** 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

**STATUS:** Open meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Marshall (202-377-6679).

#### MATTERS TO BE CONSIDERED:

Conforming Amendments on Rates on Return Payable on Savings Accounts.

No. 523, July 31, 1981.

[S-1179-81 Filed 7-31-81; 10:16 am]

**BILLING CODE 6720-01-M**

### 2

#### FEDERAL RESERVE SYSTEM.

Board of Governors

**TIME AND DATE:** 10 a.m., Monday, August 10, 1981.

**PLACE:** 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

- Proposed amendments to the Board's Rules Regarding Delegation of Authority.
- Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
- Any items carried forward from a previously announced meeting.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: July 31, 1981.

**James McAfee,**

*Assistant Secretary of the Board.*

[S-1161-81 Filed 7-31-81; 3:30 pm]

**BILLING CODE 6210-01-M**

### 3

#### NATIONAL RAILROAD PASSENGER CORPORATION.

**Amendment to Notice of Meeting**  
In accordance with Rule 4(d) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors, at its meeting on July 29, 1981, voted to discuss the matter relating to the development of 30th Street Station, Philadelphia in closed session.

Board members Boyd, Kling, Lamphier, Langdon, Luna, Mills, Nathan, Neel, Quinn, and Range determined by unanimous recorded vote that open discussion of this matter would be likely to disclose information, the premature disclosure of which would be likely to significantly frustrate implementation of action the Corporation plans to take, and affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time.

The agenda was amended to add the following item, after discussion of the first two agenda items:

2a. Discussion of Development of 30th Street Station—Philadelphia

Inquiries regarding the agenda for the July 29, 1981, Board meeting should be directed to the Corporate Secretary at (202) 383-3754.

July 31, 1981.

**Sandra Spence,**  
*Corporate Secretary.*

[S-1182-81 Filed 7-31-81; 3:43 pm]

### 4

#### NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-28]

**TIME AND DATE:** 9 a.m., Tuesday, August 11, 1981.

**PLACE:** NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

1. *Marine Accident Report:* Grounding of the *S.S. Concho*, Constable Hook Reach of Kill Van Kull, Upper New York Harbor, January 19, 1981, and *Recommendations* to the Sabine Towing and Transportation Company, the American Bureau of Shipping, and the U.S. Coast Guard.

2. *Special Investigation Report:* Railroad Accidents Caused by Overheated Journal Bearings Previously Detected by Trackside Hot Journal Detection Equipment, and *Recommendations* to the Chicago and Northwestern Transportation Company; Chicago Milwaukee, St. Paul, and Pacific Railroad Company; Burlington Northern Railroad; Louisville and Nashville Railroad; Illinois Central Gulf Railroad; Grand Trunk Western Railroad Company, and the Association of American Railroads.

3. *Special Study:* Review of Rotorcraft Accidents, 1977 through 1979.

4. *Special Investigation Report:* Search and Rescue Procedures and Arming of Emergency Locator Transmitter: Michigan City, Indiana, December 7, 1980, and *Recommendations* to the Federal Aviation Administration.

5. *Letter to Airline Pilots Association* regarding Transamerica Airlines Lockheed L-188 accident at Salt Lake City, Utah, November 18, 1979.

**CONTACT PERSON FOR MORE INFORMATION:** Sharon Flemming 202-382-6525.

July 31, 1981.

[S-1180-81 Filed 7-31-81; 3:15 pm]

**BILLING CODE 4910-58-M**

### 5

#### POSTAL RATE COMMISSION.

**TIME AND DATE:** 9:30 a.m., Monday, August 3, 1981.

**PLACE:** Conference Room, Room 500, 2000 L Street, N.W., Washington, D.C.

**STATUS:** Open/closed.

**MATTERS TO BE CONSIDERED:** Open Meeting:

- Budget, FY 1982.
- Response to draft GAO Report.
- Pro-bono policy.

Closed Meeting:

1. Discussion of Commission Recommended Decision in Docket No. R80-1 remanded by Governors, U.S. Postal Service, on June 29, 1981.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254-5614.

[S-1176-81 Filed 7-31-81; 9:56 am]

**BILLING CODE 7715-01-M**