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Tuesday
March 31, 1981

Highlights

CONTINUED INSIDE

Highlights

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Contents

Federal Register
Vol. 46, No. 61
Tuesday, March 31, 1981

MEETINGS ANNOUNCED IN THIS ISSUE

HEARINGS

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 46, No. 61
Tuesday, March 31, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1004

[Milk Order No. 4]

Milk in the Middle Atlantic Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This order suspends certain provisions affecting the regulatory status of milk plants under the Middle Atlantic Federal milk order. It permits pool plant status during March through August 1981 for any plant that was a pool plant during the prior September through February period. This action was requested by a regulated handler to facilitate continued pooling status for milk from dairy farmers who have been regularly supplying the fluid market.

DATE: Order of suspension is effective March 31, 1981, with respect to milk marketed during the March 1981 through August 1981 period.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6273.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of proposed suspension—issued March 3, 1981, published March 9, 1981 (46 FR 15713).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291. It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the issuance of the suspension on the timely basis necessary to include March 1981 in the suspension period.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Middle Atlantic marketing area.

Notice of proposed rulemaking was published in the Federal Register (46 FR 15713) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

§ 1004.7 [Amended]

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of March 1981 through August 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1004.7(e) the words "of paragraph (e)(1)" and the words "paragraph (b) of" as they first appear in the paragraph.

Statement of Consideration

The suspension makes inoperative for March 1981 through August 1981 the provisions that limit the type of pool plant that is automatically qualified for pool plant status during such months on the basis of being a pool plant during the prior September through February period. The suspension was requested by Michaels Dairies, Inc., a proprietary handler who operates a pool distributing plant.

Under current operations, it is likely that Michaels Dairies, Inc., will fail to meet the regular pool distributing plant standard of 40 percent Class I disposition because of the loss of Class I sales volume to another pool plant. During the past few weeks, the handler has found it necessary to transfer Class I milk to another Order 4 regulated handler in order to maintain pool status for its plant and to assure continued pooling status for the milk of its producers. However, the demand for milk relative to available supplies has been declining and other Class I handlers do not now have a need for any of the reserve milk supplies associated with Michaels Dairies, Inc.

An indication of the changing supply-demand situation is that in February 1981 the market's Class I utilization percentage of 49.9 percent was down one percentage point from January and down over 4.5 percentage points from one year ago. The number of producers on the market in February 1981 was 7,371, an increase of 212 producers from one year ago. The average daily delivery per producer in February 1981 was 2,220 pounds, up 46 pounds from January and was 117 pounds or 5.6 percent above February 1980.

The suspension action will make all plants that were pool plants during the September 1980 through February 1981 period eligible for automatic pool plant status during March through August 1981. Without suspension action it is likely that producers supplying proponent's plant will not be able to share uniformly with other producers supplying the market in the proceeds from the Class I sales in the market and might get paid only the manufacturing use milk price, or about 10 percent less than what other producers would receive. Thus, suspension action is necessary to promote orderly marketing conditions.

Pennmarva Dairymen's Federation, Inc., which consists of five cooperative associations representing about three-fourths of the producers supplying the market, indicates support for the suspension. No opposition to the action has been indicated.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and

to maintain orderly marketing conditions in the marketing area in that milk of some producers who regularly supply the market otherwise would be excluded from the pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of March through August 1981.

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

Signed at Washington, D.C., on March 25, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-9509 Filed 3-30-81; 8:45 am]

BILLING CODE 3410-02-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 240, 260, 270 and 275

[Release Nos. 33-6305; 34-17659; 39-622; IC-11707 and IA-755]

Removal of Certain Duplicative Rules

AGENCY: Securities and Exchange Commission.

ACTION: Removal of duplicative rules.

SUMMARY: The Commission is amending various Parts of Title 17, Chapter II, of the Code of Federal Regulations by removing certain duplicative rules relating to consent to service of process by nonresident brokers or dealers and investment advisers. These amendments are administrative in nature and are intended solely to eliminate unnecessary duplications.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 202–272–2600.

Text of Amendments

Accordingly, 17 CFR Chapter II is amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§§ 230.172 and 230.173 [Removed]

Part 230 is amended by removing §§ 230.172 and 230.173.

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

§ 240.0–7 [Removed]

Part 240 is amended by removing § 240.0–7.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

§§ 260.0–9 and 260.10 [Removed]

Part 260 is amended by removing §§ 260.0–9 and 260.10.

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

§§ 270.06 and 270.07 [Removed]

Part 270 is amended by removing §§ 270.06 and 270.07.

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

§ 275.0–1 [Removed]

Part 275 is amended by removing § 275.0–1

Since these amendments are administrative in nature, the Commission finds that notice and comment procedures are unnecessary and therefore the amendments may become effective immediately.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 27, 1981.

[FR Doc. 81-9753 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Parts 230, 240, 250, 260 and 270

[Release Nos. 33-6304; 34-17658; 35-21979; 39-621; AS-290]

Technical Amendments to Safe Harbor Rule for Projections and Information on the Effects of Changing Prices

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of technical amendments to the safe harbor rule for projections and information on the effects of changing prices adopted under the various securities acts to correct drafting errors. The technical amendments implement the Commission's intent to provide a safe harbor rule applicable to such information included in documents filed with the Commission, in Part I of a quarterly report required by the Securities Exchange Act of 1934, or in an annual report to shareholders. In addition, the safe harbor rule under the Trust Indenture Act of 1939 is revised to conform it to the rule under the Securities Act of 1933.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Linda Griggs, Office of the Chief Accountant (202/272–2130) or William E. Morley, Division of Corporation Finance (202/272–2573), Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced technical amendments to Rule 175 (17 CFR 230.175) under the Securities Act of 1933 (15 U.S.C. 77a et seq.), Rule 3b–6 (17 CFR 240.3b–6) under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), Rule 103A (17 CFR 250.103A) under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) and Rule 0–11 (17 CFR 260.0–11) under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.). These amendments correct drafting errors in Securities Act Release No. 6291, Accounting Series Release No. 287 (February 17, 1981) (46 FR 13988) and revise (1) the safe harbor rules included in that release [1] to make them applicable to forward-looking statements and information about the effects of changing prices included in Part I of Form 10–Q (17 CFR 249.318a), the quarterly reporting form required to be filed by most registrants, and (2) the safe harbor rule under the Trust Indenture Act to conform it to the related rules under the Securities Act, the Exchange Act and the Public Utility Holding Company Act.

In Securities Act Release No. 6291, the Commission adopted amendments to the safe harbor rule for projections to extend it to information on the effects of changing prices. Although the intent was to revise the related safe harbor rules adopted under the securities acts, inadvertently Rule 0–11 under the Trust Indenture Act was not amended. The

[1] Rule 0–9 (17 CFR 270.0–9) under the Investment Company Act of 1940 (15 U.S.C. 80–1 et seq.) is not amended because paragraph (b) of that rule states that the rule applies to information about the effects of changing prices in a document "transmitted to or filed with the Commission."

technical amendments announced herein include this extension of Rule 0–11 to information on the effects of changing prices.

In addition, the amendments announced in Securities Act Release No. 6291 inadvertently omitted references to reaffirmations of forward-looking statements or information about the effects of changing prices in Part I of a quarterly report on Form 10–Q, although shortly before, in Securities Act Release No. 6288 (February 9, 1981) (46 FR 12480), the Commission had announced amendments to Rule 175 and the related projections safe harbor rules to codify the staff's position that the safe harbor rules apply to forward-looking statements included in Part I of a Form 10–Q.[2] That codification was necessary because General Instruction E of Form 10–Q provides that information presented pursuant to Items 1 and 2 of Part I of that form is not deemed filed for purposes of Section 18 of the Exchange Act. Since the Commission intended to provide a safe harbor rule for forward-looking statements and information about the effects of changing prices in Part I of a Form 10–Q, as well as in filed documents and annual reports to shareholders, the safe harbor rule is amended to clarify this application.

Text of Amended Rules

17 CFR Chapter II is amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By revising paragraphs (b)(1), (b)(1)(ii), (b)(2), (c), and (c)(4) of § 230.175 to read as follows:

§ 230.175 Liability for certain statements by issuers.

* * * * *

(b) * * *

(1) A forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, § 249.308a of this chapter, or in an annual report to shareholders meeting the requirements of Rules 14a–3(b) and (c) or 14c–3(a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward-looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward-looking statement made prior to the date the document was filed or the date the annual report was publicly available if such statement is reaffirmed in a filed document, in Part I of a quarterly report on Form 10–Q, or in an annual report made publicly available within a reasonable time after the making of such forward-looking statement; *Provided,* That

(i) * * *

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940; and

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 11 of Regulation S–K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," or Item 12 of Regulation S–K, "Supplementary financial information," and disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule, the term "forward-looking statement" shall mean and shall be limited to:

* * * * *

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in paragraphs (c)(1), (2), or (3) of this section.

* * * * *

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

2. By revising paragraphs (b)(1), (b)(1)(ii), (b)(2), (c), and (c)(4) of § 240.3b-6 to read as follows:

§ 240.3b-6 Liability for certain statements by issuers.

* * * * *

(b) * * *

(1) A forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10-Q, § 249.308a of this chapter, or in an annual report to shareholders meeting the requirements of Rules 14a-3(b) and (c) or 14c-3(a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward-looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such statement is reaffirmed in a filed document, in Part I of a quarterly report on Form 10-Q, or in an annual report made publicly available within a reasonable time after the making of such forward-looking statement; *Provided,* That

(i) * * *

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940; and

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 11 of Regulation S-K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," or Item 12 of Regulation S-K, "Supplementary financial information," and disclosed in a document filed with the Commission, in Part I of a quarterly report on form 10-Q, or in an annual report to shareholders meeting the requirements of Rules 14a-3(b) and (c) or 14c-3(a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule, the term "forward-looking statement" shall mean and shall be limited to:

* * * * *

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in paragraphs (c)(1), (2), or (3) of this section.

* * * * *

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

3. By revising paragraphs (b)(1), (b)(1)(ii), (b)(2), (c), (c)(4), and (d) of § 250.103A to read as follows:

§ 250.103A Liability for certain statements by issuers.

* * * * *

(b) * * *

(1) A forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, § 249.308a of this chapter, or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3(a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward-looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward-looking

[2] Rule 175 was amended in Securities Act Release No. 6288 to implement this Commission action. The safe harbor rules adopted under the other acts, however, were not set forth correctly in that release.

statement made prior to the date the document was filed or the date the annual report was made publicly available if such statement is reaffirmed in a filed document, in Part I of a quarterly report on Form 10–Q, or in an annual report made publicly available within a reasonable time after the making of such forward-looking statement; *Provided,* That

(i) * * *

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940; and

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 11 of Regulation S–K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," or Item 12 or Regulation S–K, "Supplementary financial information," and disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule, the term "forward-looking statement" shall mean and shall be limited to:

* * * * *

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in paragraphs (c)(1), (2), or (3) of this section.

(d) For the purpose of this rule the term "fraudulent statement" shall mean a statement which is an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or which constitutes the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud, as those terms are used in the Public Utility Holding Company Act of 1935 and other acts referred to in section 16(b) thereof or the rules or regulations promulgated thereunder.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

4. By revising § 260.0–11 to read as follows:

§ 260.0–11 Liability for certain statements by issuers.

(a) A statement within the coverage of paragraph (b) below which is made by or on behalf of an issuer or by an outside reviewer retained by the issuer shall be deemed not to be a fraudulent statement (as defined in paragraph (d) of this section), unless it is shown that such statement was made or reaffirmed without a reasonable basis or was disclosed other than in good faith.

(b) This rule applies to the following statements:

(1) A forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, § 249.308a of this chapter, or in an annual report to shareholders meeting the requirements of Rules 14a–3(b) and (c) or 14c–3(a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward-looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such statement is reaffirmed in a filed document, in Part I of a quarterly report on Form 10–Q, or in an annual report made publicly available within a reasonable time after the making of such forward-looking statement; *Provided,* That

(i) At the time such statements are made or reaffirmed, the issuer is subject to the reporting requirements of the Securities Exchange Act of 1934 and has filed its most recent annual report on Form 10–K, or, if the issuer is not subject to the reporting requirements of the Securities Exchange Act of 1934, the statements are made in a registration statement filed under the Securities Act of 1933, and

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940; and

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 11 of Regulation S–K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," or Item 12 of Regulation S–K, "Supplementary financial information," and disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, or in an annual report to shareholders meeting the requirements of Rules 14a–3(b) and (c) or 14c–3(a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule, the term "forward-looking statement" shall mean and shall be limited to:

(1) A statement containing a projection of revenues, income (loss), earnings (loss) per share, capital expenditures, dividends, capital structure or other financial items;

(2) A statement of management's plans and objectives for future operations;

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations included pursuant to Item 11 of Regulation S–K; or

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in paragraphs (c) (1), (2), or (3) of this section.

(d) For the purpose of this rule the term "fraudulent statement" shall mean a statement which is an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or which constitutes the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud, as those terms are used in the Trust Indenture Act of 1939 and other acts referred to in section 323(b) thereof or the rules or regulations promulgated thereunder.

Authority

These amendments are adopted pursuant to the authority in Sections 6, 7, 8, and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78*l*, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; Section 20 [15 U.S.C. 79t] of the Public Utility Holding Company Act of 1935; and Section 319(a) [15 U.S.C. 77nnn(c)] of the Trust Indenture Act of 1939.

Procedural Matters

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these technical amendments on competition and has concluded that such amendments would not impose any burden on competition. Further, the Commission believes that it is appropriate to adopt these technical amendments effective immediately in order to achieve the intended purpose in

the rule changes adopted in February 1981.[3] Accordingly, pursuant to Section 553(b) of the Administrative Procedure Act ("APA") (5 U.S.C. 553(b)), the Commission for good cause finds that notice and opportunity for public comment at this time is impracticable, unnecessary and contrary to the public interest. In addition, pursuant to Section 553(d) of the APA (5 U.S.C. 553(d)), the Commission finds good cause to adopt the foregoing technical amendments effective immediately in order to achieve the intended purpose of its previous rule changes.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 27, 1981.

[FR Doc. 81-9754 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Parts 239, 249, 259, 269, 274 and 279

[Release Nos. 33-6298, 34-17623, 35-21960, 39-615, IC-11681 and IA-753]

Miscellaneous Amendments Related to Forms; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Miscellaneous amendments and editorial changes; correction.

SUMMARY: This document corrects an error in the listing of forms being removed from 17 CFR Chapter II which was published on March 20, 1981 (46 FR 17756) and lists additional forms being removed.

EFFECTIVE DATE: March 12, 1981.

FOR FURTHER INFORMATION CONTACT: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D. C. 20549 (202-272-2600).

Accordingly, the following corrections are made in FR Doc. 81-8627 appearing on page 17756 in the issue of March 20, 1981:

§ 274.18 [Corrected]

1. In the third column on page 17757 remove § 274.218 from the forms being removed from Part 274.

§ 279.17, 279.18, 279.19 and 279.20 [Removed]

2. In the same column Part 279 is further amended by removing §§ 279.17, 279.18, 279.19 and 279.20.

[3] See Securities Act Release Nos. 6291 and 6288.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 26, 1981.

[FR Doc. 81-9706 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 274

[Release No. IC-11703; File No. S7-880]

Interim Notification Forms for Business Development Companies

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of interim forms; request for comments.

SUMMARY: The Commission is adopting today, on an interim basis, three forms to be used by companies seeking to be regulated as business development companies under the Investment Company Act of 1940 as recently amended by the Small Business Investment Incentive Act of 1980. The three forms are a notice of intent to elect, a notification of election, and a notification of withdrawal of election. The Commission is also soliciting public comment on whether the interim forms should be adopted as permanent forms and, if so, whether the forms should be changed in any way. Finally, the Commission is making public the views of its Division of Investment Management on the adaptation of certain existing registration statement forms for use by business development companies. The Commission is taking these actions to facilitate the administration of the amendments to the Investment Company Act of 1940 and to provide guidance to companies contemplating becoming subject to those sections.

EFFECTIVE DATE: March 26, 1981. Comments on the interim forms must be received on or before June 1, 1981.

ADDRESSES: All communications on the matters discussed in this release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-880 and will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Dianne E. O'Donnell, Special Counsel, (202) 272-2116 or Mary K. Crook, Attorney, (202) 272-2033, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is adopting today, on an interim basis, three forms to be used by companies seeking to be regulated as business development companies under new provisions of the Investment Company Act of 1940 ("1940 Act") [15 U.S.C. 80a-1 et seq. as amended by Pub. L. 96-477 (October 21, 1980)]:

(1) Interim Form N-6F [17 CFR 274.15], a form for notice of intent to elect to be subject to sections 55 through 65 of the 1940 Act [15 U.S.C. 80a-54 through 80a-64] under the 1940 Act, the regulatory provisions applied to business development companies;

(2) Interim Form N-54A [17 CFR 274.53], a form for notification of such election under the 1940 Act; and

(3) Interim Form N-54C [17 CFR 274.54], a form for notification of withdrawal of such election under the 1940 Act.

Additionally, the Commission is making known the views of its Division of Investment Management on appropriate disclosure by business development companies on registration statements filed under the Securities Act of 1933 ("1933 Act") [15 U.S.C. 77a *et seq.*] and the registration of their securities under the Securities Exchange Act of 1934 ("1934 Act") [15 U.S.C. 78a *et seq.*].

Background

The Small Business Investment Incentive Act of 1980 ("the 1980 Amendments") [Pub. L. No. 96-477], *inter alia*, amended the 1940 Act by establishing a new system of regulation for certain investment companies called "business development companies." A business development company is in effect defined [1] as a domestic, closed-end company [2] that is operated for the purpose of making investments in small and developing businesses and financially troubled businesses; that makes available significant managerial assistance to its portfolio companies; and that has notified the Commission of its election to be subject to the system of regulation established by sections 55 through 65 of the 1940 Act.

Although the system of regulation in sections 55 through 65 of the 1940 Act has significant similarities to the

[1] Section 2(a)(48) of the 1940 Act [15 U.S.C. 80a-2(a)(48)].

[2] Closed-end investment companies are management companies which do not offer for sale or have outstanding any redeemable security. *See* section 5(a)(2) of the 1940 Act [15 U.S.C. 80a-5(a)(2)].

regulatory system applied to registered investment companies by sections 1 through 53 of the 1940 Act [15 U.S.C. 80a–1 through 52], there are several important differences. In general, business development companies are permitted greater flexibility in dealing with their portfolio companies,[3] issuing securities,[4] and compensating their management.[5] To be subject to these special regulatory provisions, a business development company must comply with certain provisions of the 1940 Act. A majority of a business development company's directors must not be interested persons of the company as defined in section 2(a)(19) of the 1940 Act [15 U.S.C. 80a–2(a)(19)].[6] Such a company is restricted in the kind of investments it can make, unless at the time the investment is made at least seventy percent of the company's assets (excluding assets necessary to maintain the business, such as office furniture) are represented by, in general, securities of small, developing businesses or financially troubled businesses and such liquid assets as cash or cash items, Government securities, or short-term, high quality debt securities.[7] The company must annually furnish to its shareholders a statement, in such form and manner as the Commission may prescribe by rules, about the risks involved in investing in a business development company due to the nature of its portfolio.[8]

[3] Business development companies have greater flexibility in dealing with their portfolio companies in that only transactions with certain affiliated persons that are deemed to have the ability to influence the company's actions require prior approval by the Commission. *See* section 57 of the 1940 Act [15 U.S.C. 80a–56] and rule 57b–1 [17 CFR 270.57b–1].

[4] The process of capital formation by business development companies is aided by modifying the restrictions placed on other investment companies by sections 18 and 23 of the 1940 Act [15 U.S.C. 80a–18, 80a–23] regarding: (a) the issuance of senior securities representing indebtedness; (b) the issuance of senior securities accompanied by warrants, options, or rights to subscribe or convert to voting securities; and (c) the sale of common stock at prices below net asset value. Sections 61(a)(1)–(a)(3)(A) (capital structure) and 63(2) (distribution and repurchase of securities) of the 1940 Act [15 U.S.C. 80a–60(a)(1) through 80a–60(a)(3)(A), 80a–62(2)].

[5] Business development companies are permitted to pay performance-based compensation in one of three ways: through a profit-sharing plan; through an executive compensation plan based on the issuance of warrants, options, or rights to purchase voting securities of the company; or through a performance fee arrangement with an external investment adviser. Sections 57(n) and 61(a)(3)(B) of the 1940 Act [15 U.S.C. 80a–56(n), 80a–60(a)(3)(B)]; section 205(C) of the Investment Advisers Act of 1940 ("the Advisers Act") [15 U.S.C. 80b–5(C)].

[6] Section 56 of the 1940 Act [15 U.S.C. 80a–55].

[7] Section 55(a) of the 1940 Act [15 U.S.C. 80a–54(a)].

[8] Section 64 of the 1940 Act [15 U.S.C. 80a–63].

In order to elect to be regulated as a business development company, a company must have a class of equity securities registered under section 12 of the 1934 Act [15 U.S.C. 78(*l*)] or have filed a registration statement under that section. Accordingly, business development companies must comply with the periodic reporting requirements under the 1934 Act, including annual reports (Form 10–K [17 CFR 249.310]), quarterly reports (Form 10–Q [17 CFR 249.308a]), and reports of certain material changes (Form 8–K [17 CFR 249.308]), rather than with those in section 30 of the 1940 Act [15 U.S.C. 80a–29].[9] Business development companies are not required to register as investment companies under the 1940 Act. After registering its securities under the 1934 Act, a company which meets the definition may become a business development company by filing with the Commission a notification of election to be subject to sections 55 through 65.[10]

After a company has elected to be subject to sections 55 through 65 of the 1940 Act, it may voluntarily withdraw its election by so notifying the Commission.[11] Such withdrawal is effective immediately upon receipt by the Commission. Upon its withdrawal the company may be subject to sections 1 through 53 of the 1940 Act.

Adoption of Interim Forms

Congress, in adopting the 1980 Amendments, contemplated the development of certain forms to be used by a company in connection with its election to be a business development company or its withdrawal of such an election. The reports accompanying both the House bill that was enacted as the 1980 Amendments and the substantially similar Senate bill expressed the Congressional intent that the Commission adopt new forms or adapt existing ones for these purposes on an expedited or emergency basis.[12] For this reason, and since the 1980 Amendments became effective immediately upon signing, the Commission is adopting, on an interim basis and without prior notice and opportunity for comment, three forms to be used to notify the Commission of: (1) a company's intent to file a notification of election (Form N–6F) ("Notice of Intent"); (2) a company's election to be regulated as a business development company (Form N–54A) ("Election"); and (3) a company's withdrawal from business development company status (Form N–54C) ("Withdrawal"). Although these forms are being adopted as an interim measure without prior notice, public comment is requested on whether the forms should be adopted on a permanent basis and, if so, whether the forms should be changed in any way.

[9] *See* section 54(a) of the 1940 Act [15 U.S.C. 80a–53(a)].

[10] *Id.*

[11] Section 54(c) of the 1940 Act [15 U.S.C. 80a–53(c)].

[12] H.R. Rep. No. 1341, 96th Cong., 2d Sess. 38 (1980); S. Rep. No. 958, 96th Cong., 2d Sess. 23 (1980).

Notice of Intent To Elect (Form N–6F)

Certain companies may have to make a filing with the Commission before they are ready to elect to be subject to sections 55 through 65 of the 1940 Act. A company that is excluded from the definition of investment company by section 3(c)(1) of the 1940 Act [15 U.S.C. 80a–3(c)(1)], because it has fewer than one hundred shareholders and is not making a public offering of its securities, may lose its exclusion solely because it proposes to make a public offering of securities as a business development company. To deal with this problem, section 6(f) of the 1940 Act provides that "any closed-end company which—* * * would be excluded from the definition of an investment company by section 3(c)(1), except that it presently proposes to make a public offering of its securities as a business development company, and has notified the Commission, in a form and manner which the Commission may, by rule, prescribe, that it intends in good faith to file, within 90 days, a notification of election to become subject to the provisions of sections 55 through 65, shall be exempt from sections 1 through 53, except to the extent provided in sections 59 through 65." [13]

A Notice of Intent must include basic identifying information about the company, such as its name, address, and agent for service of process. A Notice of

[13] Section 6(f) of the 1940 Act [15 U.S.C. 80a–6(f)]. The legislative history of section 6(f) states that the section "in effect, extends the exclusion of section 3(c)(1) to a company which proposed to make a public offering of its securities as a business development company but had not yet done so. To the extent such a company needed to restructure its financial affairs or otherwise take action preparatory to its proposed offering, it would be able to do so free of the registration and other requirements of the [1940] Act, during that 90 day period." H.R. Rep. No. 1341, 96th Cong., 2d Sess. 37 (1980). Similar language appears in the report accompanying the Senate bill. S. Rep. No. 958, 96th Cong., 2d Sess. 21 (1980). Accordingly, it would appear that a company relying on the section 6(f) exemption must continue to qualify for exclusion under section 3(c)(1); that is, during the ninety day period contemplated by section 6(f), it would appear that the company should not have more than 100 beneficial owners of its securities or make a public offering. Similarly, it would appear that before making a public offering of its securities as a business development company, the company would have to file an Election.

Intent also must affirm that the company is eligible to file the notice.

Notification of Election (Form N–54A)

An Election must contain basic identifying information as well as a certification that the company is a business development company as defined in sections 2(a)(48) (A) and (B) of the 1940 Act. An Election will be effective upon receipt.

Notification of Withdrawal of Election (Form N–54C)

Form N–54C requires basic identifying information and a statement of the reason for the company's withdrawal. Disclosure as to the company's reason for withdrawal will assist the Commission in determining whether the company or its successor has become subject to sections 1 through 53 of the 1940 Act. The Withdrawal will be effective upon receipt.

Business Development Company Registration and Disclosure Under the 1933 and 1934 Acts

Congress also expressed the intent that the Commission adopt new registration forms and adapt existing ones for business development companies on an expedited basis.[14] The Commission is not adopting new registration statement forms for business development companies at this time, however, because additional experience with the operations of such companies appears necessary before new forms are developed. To provide guidance to companies that are contemplating becoming business development companies, the Commission is making public the views of its Division of Investment Management, the division responsible for processing disclosure documents and reports filed by business development companies, as to the existing registration forms that should be used by such companies. In addition, the Commission is making known the Division's views on the disclosure that may be appropriate to inform investors about the special characteristics of business development.

Deregistration Under the 1940 Act and Registration Under the 1933 and 1934 Acts

After an already existing registered investment company has filed an election to be regulated as a business development company, the Commission on its own motion will declare by order under section 8(f) of the 1940 Act [15 U.S.C. 80a–8(f)] that the company's registration under section 8 of the 1940 Act has ceased to be in effect. Such an order will be made effective retroactively, as of the time the Commission received the company's Election. The Commission will take such an action because the company will no longer be regulated as a registered investment company under the 1940 Act and because section 8 of the 1940 Act, requiring registration of investment companies, does not apply to business development companies.[15]

Business development companies are required by section 54(a) of the 1940 Act to have a class of equity securities registered under section 12 of the 1934 Act. Business development companies that do not already have a class of equity securities registered under the 1934 Act should register securities under the 1934 Act on Form 10 [17 CFR 249.210], the general form for registration of securities under the 1934 Act, or on Form 8–A [17 CFR 249.208a], the registration statement for certain classes of securities under the 1934 Act. Business development companies that plan to make a public offering requiring registration under the 1933 Act should register securities under the 1933 Act on Form N–2 [17 CFR 239.14, 17 CFR 274.11a–1], the registration form used by closed-end investment companies.

A company may register under the 1934 Act on Form 8–A if it has already filed a registration statement under the 1933 Act, or if it registers under the 1934 Act simultaneously with the filing of its registration statement under the 1933 Act and its Election under the 1940 Act. All other companies should register under the 1934 Act on Form 10. *In answering item 1 ("Business") of Form 10, a company intending to elect to be regulated as a business development company under the 1940 Act should state clearly that it is or intends to be a business development company. If a company is filing a registration statement under the 1934 Act, or registration statements under the 1933 and 1934 Acts, simultaneously with an Election under the 1940 Act, all filings should be submitted in the same package.*

A registered investment company with a class of equity securities that would have been required to be registered pursuant to section 12(g)(1) of the 1934 Act [15 U.S.C. 78*l*(g)(1)],[16] except for section 12(g)(2)(B) of that Act [15 U.S.C. 78*l*(g)(2)(B)],[17] may file an Election without filing a registration statement under the 1934 Act. Rule 12g–2 under the 1934 Act [17 CFR 240.12g–2] states that such securities will be deemed to be registered pursuant to section 12(g)(1) upon the termination of the issuing company's registration under section 8 of the 1940 Act, if at the time of such termination securities of the class are held of record by at least 300 persons. As stated above, the order terminating an investment company's registration will be made effective as of the time the company's election was received by the Commission. As a result, an investment company that meets the requirements of rule 12g–2 will have had a class of equity securities registered under section 12 of the 1934 Act as of the time its Election was filed. Of course, a registered investment company that cannot rely on rule 12g–2 (for example, because it has fewer than 300 shareholders of record at the time of its election) must file a registration statement under the 1934 Act.

The Commission is considering ways to reduce the complexities of the registration process for business development companies. In this regard, the Commission is considering whether to amend rule 12g–2 to permit registered investment companies with fewer than 300 shareholders at the time of election to rely on that rule in lieu of filing a 1934 Act registration statement, at such time as it might amend 1933 Act and 1934 Act forms to include special provisions for business development companies.

Prospectus Disclosure

Because of the special characteristics of business development companies, the disclosure they provide on Form N–2 will differ in several respects from that of registered closed-end investment companies. To provide guidance to companies contemplating making a public offering as a business development company, the areas in which the Division of Investment Management believes additional disclosure may be appropriate are listed below. The exact nature of the disclosure provided may vary significantly according to the specific circumstances of the registrant. Moreover, the Division may modify its views as it gains more experience with the operations of business development companies.

[14] H.R. Rep. No. 1341, 96th Cong., 2d Sess. 38 (1980); S. Rep. No. 958, 96th Cong., 2d Sess. 23 (1980).

[15] *See* sections 6(f) and 59 of the 1940 Act [15 U.S.C. 80a–6(f), 80a–58].

[16] Section 12(g)(1) requires issuers with total assets exceeding $1,000,000 and a class of equity security held of record by at least 500 persons to register such security with the Commission.

[17] Section 12(g)(2)(B) exempts from the registration requirement of section 12(g)(1) "any security issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940."

1. *Special Risks.* The special risks of investing in a business development company, such as risks proceeding from a portfolio heavily invested in securities of small and developing or financially troubled businesses or in industries subject to rapid technological change, should be disclosed.

2. *Financial Information.* (a) Business development companies should include disclosure comparable to that operating companies provide pursuant to items 10 ("Selected financial data") and 11 ("Management's discussion and analysis of financial condition and results of operations") of Regulation S–K [17 CFR 229.20]. The per share table (item 3 of Form N–2) may be deleted.

(b) If not disclosed elsewhere in the prospectus, the company's Schedule of Investments should indicate investments that are not qualifying investments under section 55(a) of the 1940 Act. In a footnote, or otherwise, the significance of non-qualification should be explained.

3. *Small Business Investment Company Subsidiaries.* A business development company with a wholly-owned small business investment company subsidiary should disclose whether the subsidiary is regulated as a business development company or as an investment company registered under the 1940 Act, and what percentage of the parent company's assets are, or are expected to be, invested in the subsidiary.[18] The business development company should also describe the small business investment company's operations, including any material differences in investment policies between the business development company and its small business investment company subsidiary.

4. *Portfolio Companies.* (a) Because business development companies are likely to make investments of a long-term nature in a relatively small number of portfolio companies, the Division believes that detailed disclosure about the portfolio companies of a business development company is necessary for evaluating the nature of an investment in a business development company. Although the amount of disclosure may vary according to the extent of the business development company's investment in the portfolio company, areas of recommended disclosure include the following:

(1) The names and addresses of the portfolio companies;

(2) The nature of their businesses (including such factors as the company's relationship to its competitors, market share, dependence on a small number of customers, operating history, and particular vulnerability to changes in government regulation, interest rates, or industrial technology);

(3) The title, class, percentage of class, and value of all securities of the portfolio companies owned or held by the business development company;

(4) The amount and general terms of all loans to portfolio companies; and

(5) The relationship of the companies to the registrant, This disclosure should include a discussion of the extent to which the registrant generally makes available significant managerial assistance to its portfolio companies. Any other material business, professional, or family relationship between the officers and directors of the business development company and the portfolio company, its officers, or directors should also be disclosed.

(b) A company with an operating history should consider the effect on its operations of compliance with section 55(a) of the 1940 Act and should discuss in the prospectus anticipated changes in its operations as a result of its compliance. In particular, the company should discuss whether the required investments in qualifying assets will be consistent with its recent operating history and the extent to which changes in the company's investment policies and practices need to be made.

5. *Special Compensation.* If a business development company has a profit-sharing plan pursuant to section 57(n) of the 1940 Act [15 U.S.C. 80a–56(n)] or an executive compensation plan pursuant to section 61(a)(3)(B) of the 1940 Act, the plan should be described.

Additional Disclosure

In the registration statement, but not necessarily in the prospectus, a business development company should include information demonstrating the company's compliance with provisions of the 1940 Act with reference to any special compensation plan which the company might have (sections 57(n) and 61(a)(3)(B)); its capital structure, including warrants, options, and rights (section 61(a)(3)(A)) and asset coverage of senior securities (section 61(a)(1)); and the company's internal controls on transactions with affiliates (section 57(h) [15 U.S.C. 80a-56(h)]).

Procedural Matters

The Commission believes it appropriate in light of the enactment and effectiveness of the Small Business Investment Incentive Act of 1980 to adopt interim Forms N–6F, N–54A, and N–54C. Accordingly, the Commission, pursuant to section 4(b) of the Administrative Procedure Act [5 U.S.C. 553(b)], for good cause finds that prior notice and comment on interim Forms N–6F, N–54A, and N–54C are unnecessary and contrary to the public interest. In addition, the Commission, pursuant to section 4(d) of the Administrative Procedure Act [5 U.S.C. 553(d)], finds good cause to adopt the foregoing interim forms, effective immediately, in light of the recent enactment of the Small Business Investment Incentive Act of 1980, since any delay in such action by the Commission would, in its view, be inconsistent with the intent of Congress to facilitate the process by which issuers may elect to be regulated as business development companies.

Text of Forms

Subpart A of Part 274 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended as follows:

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

1. By adding § 274.15 to read as follows:

§ 274.15 Form N–6F, notice of intent to elect to be subject to sections 55 through 65 of the Investment Company Act of 1940.

This form shall be used by a company that would be excluded from the definition of an investment company by section 3(c)(1) of the Investment Company Act of 1940 [15 U.S.C. 80a–3(c)(1)], except that at the time of filing it proposes to make a public offering of its securities as a business development company, to notify the Securities and Exchange Commission that the company intends in good faith to file, within 90 days, a notification of election to become subject to the provisions of sections 55 through 65 of the Investment Company Act of 1940 [15 U.S.C. 80a–54 through 64].

2. By adding § 274.53 to read as follows:

§ 274.53 Form N–54A, notification of election to be subject to sections 55 through 65 of the Investment Company Act of 1940 filed pursuant to section 54(a) of the Act.

This form shall be used pursuant to section 54(a) of the Investment Company Act of 1940 [15 U.S.C. 80a–53(a)] by a company of the type defined

[18] See, in this connection, Investment Company Act Release No. 11493 (Dec. 16, 1980) [45 FR 83479, Dec. 19, 1980] (interim adoption of rules 57b–1 and 60a–1 under the 1940 Act); Investment Company Act Release No. 11675 (Mar. 9, 1981) [46 FR 11673, Mar. 13, 1981] (permanent adoption of rules 57b–1 and 60a–1).

in sections 2(a)(48) (A) and (B) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(48) (A) and (B) to notify the Securities and Exchange Commission of its election to be subject to the provisions of sections 55 through 65 of said act [15 U.S.C. 80a–54 through 64].

3. By adding § 274.54 to read as follows:

§ 274.54 Form N–54C, notification of withdrawal of election to be subject to sections 55 through 65 of the Investment Company Act of 1940 filed pursuant to section 54(c) of the Investment Company Act of 1940.

This form shall be used pursuant to section 54(c) of the Investment Company Act of 1940 [15 U.S.C. 80a–53(c)] by a business development company to file a notice of withdrawal of its election under section 54(a) of the Investment Company Act of 1940 [15 U.S.C. 80a–53(a)].

The text of the forms is set forth in the appendix to this release.

Regulatory Flexibility Certification

The Acting Chairman of the Commission has certified that the proposed forms, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The views of the Commission's Division of Investment Management regarding appropriate disclosure by business development companies are not rules and, therefore, not subject to the Regulatory Flexibility Act [5 U.S.C. 600 et seq.].

Statutory Authority

The Commission hereby adopts Forms N–6F, N–54A, and N–54C pursuant to section 6(f) [15 U.S.C. 80a–6(f)], section 38(a) [15 U.S.C. 80a–37(a)], section 54 [15 U.S.C. 80a–53], and section 59 [15 U.S.C. 80a–58] of the 1940 Act.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 26, 1981.

Securities and Exchange Commission, Washington, D.C.; Form N–6F

Notice of Intent to Elect To Be Subject to Sections 55 Through 65 of the Investment Company Act of 1940

The undersigned hereby notifies the Securities and Exchange Commission that it intends to file a notification of election to be subject to sections 55 through 65 of the Investment Company Act of 1940 (the "Act") and in connection with such notice submits the following information:

Name: [1] ———

Address of Principal Business Office (No. & Street, City, State, Zip Code): ———

Telephone Number (including area code):——

Name and address of agent for service of process: ———

The undersigned company hereby notifies the Securities and Exchange Commission that it intends to file a notification of election to be subject to sections 55 through 65 of the Act within ninety days of the date of this filing. The company would be excluded from the definition of an investment company by section 3(c)(1) of the Act, except that it presently proposes to make a public offering of its securities as a business development company.

Signature

Pursuant to the requirements of section 6(f) of the Act, the undersigned company has caused this notice of intent to elect to be subject to sections 55 through 65 of the Act pursuant to section 54(a) of the Act to be duly executed on its behalf in the city of ——— and the state of ——— on the — day of —, 19—.

[SEAL] Signature ———
(Name of Company)

By ———
(Name of director, officer or general partner signing on behalf of the company)

(Title)

Attest: ———
(Name)

(Title)

Instructions for Form N–6F

Read instructions carefully before preparing this notice. It may be returned as not acceptable for filing unless it is prepared, executed, and filed substantially in accordance with these instructions. This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of a notice of intent to file a notification of election. The form should be filed on paper 8½ x 11 inches in size.

(a) This form shall be used pursuant to section 6(f) of the Act to notify the Commission of the company's intent to file a notification of election to be subject to sections 55 through 65 of the Act. The form should not be filed by a company that at the time of filing has more than one hundred beneficial owners of its securities, or by a company that expects to have more than one hundred beneficial owners of its securities before a notification of election will be filed. Such a company should consider whether or not it needs to file a notification of registration under section 8(a) of the Act or a notification of election under section 54(a) of the Act.

(b) Signature.

An original and three copies of the notice of intent to file a notification of election shall be filed. The three copies may have facsimile or typed signatures. If the company is a business development company having a board of directors, the original notice of intent to file a notification of election shall be signed on behalf of the company by a director, officer, or trustee. If the company is a partnership, the original notice shall be signed by a general partner.

(c) Filing.

The notice of intent to elect and all inquiries and communication with respect thereto shall be forwarded to the Securities and Exchange Commission, Washington, D.C. 20549.

(d) Fee.

There is no fee charged for filing the notice of intent to elect.

Securities and Exchange Commission, Washington, D.C.; Form N–54A

Notification of Election To Be Subject to Sections 55 Through 65 of the Investment Company Act of 1940 Filed Pursuant to Section 54(a) of the Act

The undersigned business development company hereby notifies the Securities and Exchange Commission that it elects, pursuant to the provisions of section 54(a) of the Investment Company Act of 1940 (the "Act"), to be subject to the provisions of sections 55 through 65 of the Act and, in connection with such notification of election, submits the following information:

Name: ———

Address of Principal Business Office (No. & Street, City, State, Zip Code): ———

Telephone Number (including area code):——

Name and address of agent for service of process: ———

Check one of the following:

[ ] The company has filed a registration statement for a class of equity securities pursuant to section 12 of the Securities Exchange Act of 1934. Give the file number of the registration statement or, if the file number is unknown or has not yet been assigned, give the date on which the registration statement was filed: ———

[ ] The company is relying on rule 12g–2 under the Securities Exchange Act of 1934 in lieu of filing a registration statement for a class of equity securities under that Act.

The file number of the registration as an investment company pursuant to section 8(a) of the Act, if any, of the company: ———

The file number of the registration as an investment company pursuant to section 8(a) of the Act, if any, of any subsidiary of the company: ———

The undersigned company certifies that it is a closed-end company organized under the laws of ——— (state) and with its principal place of business in ——— (state); that it will be operated for the purpose of making investments in securities described in section 55(a) (1) through (3) of the Investment Company Act of 1940; and that it will make available significant managerial assistance with respect to issuers of such securities as represent 70 percent of the total assets of the company for purposes of the computation required by section 55(a) of the Act.

Pursuant to the requirements of the Act, the undersigned company has caused this notification of election to be subject to sections 55 through 65 of the Investment

[1] In selecting a name a company should consider the following: (a) section 35(d) of the Act; (b) the current list of companies registered under the Act (in order to ascertain if the name is similar to that of any existing company); and (c) its corporate policies.

Company Act of 1940 to be duly signed on its behalf in the city of ——— and state of ——— on the ——— day of ——— 19——.

[SEAL] Signature ———

By ———

(Name of director, officer, or general partner signing on behalf of the company)

Title ———

Attest: ———

(Name)

(Title)

Instructions for Form N–54A

Read instructions carefully before preparing the notification of election. A notification of election may be returned as not acceptable for filing unless it is prepared, executed, and filed substantially in accordance with these instructions. This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of a notification of election. The form should be filed on paper 8½ x 11 inches in size.

(a) This form shall be used as the notification of election to be subject to sections 55 through 65 of the Act filed with the Commission pursuant to section 54(a) of the Act.

(b) Signature.

An original and seven copies of each notification of election shall be filed. The seven copies of the notification of election may have facsimile or typed signatures. If the company is a business development company having a board of directors, the original notification of election shall be signed on behalf of the company by a director, officer, or trustee. If the company is a partnership, the original notification shall be signed by a general partner.

(c) Filing.

The notification of election and all inquiries and communications with respect thereto shall be forwarded to the Securities and Exchange Commission, Washington, D.C. 20549.

(d) Fee.

There is no fee charged for filing the notification of election.

(e) Rule 12g–2.

Only companies with a class of equity securities that would have been required to be registered pursuant to section 12(g)(1) of the Securities Exchange Act of 1934 except for the exemption from registration under section 12(g)(2)(B), and that is held of record by at least 300 persons, may rely on rule 12g–2. All other companies must register a class of equity securities under section 12 of the Securities Exchange Act of 1934 before or simultaneously with the filing of this notification of election.

(f) Name.

In selecting a name a company should consider the following: (a) section 35(d) of the Act; (b) the current list of companies registered under the Act (in order to ascertain if the name is similar to that of any existing company); and (c) its corporate policies.

Securities and Exchange Commission, Washington, D.C.; Form N–54C

Notification of Withdrawal of Election To Be Subject to Sections 55 Through 65 of the Investment Company Act of 1940 Filed Pursuant to Section 54(c) of the Investment Company Act of 1940

The undersigned business development company hereby notifies the Securities and Exchange Commission that it withdraws its election to be subject to sections 55 through 65 of the Investment Company Act of 1940 (the "Act"), pursuant to the provisions of section 54(c) of the Act, and in connection with such notice of withdrawal of election submits the following information:

Name: ———

Address of Principal Business Office (No. and Street, City, State, Zip Code): ———

Telephone Number (including area code): ———

File Number under the Securities Exchange Act of 1934: ———

In addition to completing the cover page, a company withdrawing its election under section 54(a) of the Act must state one of the following bases for filing the notification of withdrawal:

A. The company has never made a public offering of its securities; does not have more than 100 securityholders for purposes of section 3(c)(1) of the Act and the rules thereunder; and does not propose to make a public offering.

B. The company (1) has distributed substantially all of its assets to its securityholders and has effected, or is in the process of effecting, a winding-up of its affairs, and (2) is not liquidating as part of a merger.

C. The company has (1) sold substantially all of its assets to another company; or (2) merged into or consolidated with another company. Give the name of the other company and state whether the other company is a registered investment company, a company excluded from the definition of an investment company by section 3(c)(1) of the Act, a business development company, or none of the above.

D. The company has changed the nature of its business so as to cease to be a business development company, and such change was authorized by the vote of a majority of its outstanding voting securities or partnership interests. Describe the company's new business. Give the date of the shareholders' or partners' meeting and the number of votes in favor of and opposed to the change.

E. The company has filed a notice of registration under section 8 of the Act. State the filing date of the company's notice of registration (Form N–8A) under the Act.

F. Other. Explain the circumstances surrounding the withdrawal of election.

Signature

Form of signature:

Pursuant to the requirements of the Act, the undersigned company has caused this notification of withdrawal of election to be subject to sections 55 through 65 of the Act to be duly signed on its behalf in the city of ——— and state of ——— on the day of ——— 19——.

[SEAL] Signature ———

(Name of company)

By ———

(Name of director, officer, or general partner signing on behalf of the company)

Title ———

Attest: ———

(Name)

(Title)

Instructions for Form N–54C

Read instructions carefully before preparing this notification. It may be returned as not acceptable for filing unless it is prepared, executed, and filed substantially in accordance with these instructions. This form is not to be used as a blank form to be filled in, but only a guide for the preparation of a notification of withdrawal. The form should be filed on paper 8½ x 11 inches in size.

(a) This form shall be used pursuant to section 54(c) of the Act to notify the Commission of the company's withdrawal of its notification of election to be subject to sections 55 through 65 of the Act. Such withdrawal will be effective immediately upon receipt by the Commission. Companies filing this notification should be aware that it is only a withdrawal from the regulatory system applicable to business development companies, described in sections 55 through 65 of the Act. A company which files this notification may be subject to sections 1 through 53 of the Act unless it qualifies for another exemption from those sections.

(b) Signature.

An original and three copies of the notification of withdrawal of election shall be filed. The three copies may have facsimile or typed signatures. If the company is a business development company having a board of directors, the original notification of withdrawal of election shall be signed on behalf of the company by a director, officer, or trustee. If the company is a partnership, the original notice shall be signed by a general partner.

(c) Filing.

The notification of withdrawal of election and all inquiries and communication with respect thereto shall be forwarded to the Securities and Exchange Commission, Washington, D.C. 20549.

(d) Fee.

There is no fee charged for filing the notification of withdrawal of election.

(e) Incorporation by Reference.

A company may incorporate by reference any information previously filed in a current report on Form 8–K under the Securities Exchange Act of 1934 by so stating and giving the date on which the Form 8–K was filed.

Regulatory Flexibility Act Certification

I, Philip A. Loomis, Jr., Acting Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the following forms for business development companies: Form N–6F, the notice of intent to file a notification of election; Form N–54A, the notification of election to be regulated as a business development company; and Form N–54C, the notification of withdrawal of election, set forth in Investment Company Act Release No. 11703, if adopted, will not have a significant economic impact on any entity subject to their provisions, and

therefore will not have a significant economic impact on a substantial number of small entities. The reason for this conclusion is that the compliance and reporting requirements involved are minimal, as the forms require disclosure only of facts readily available to the company.

In addition, the views of the Commission's Division of Investment Management regarding appropriate disclosure by business development companies, also made public in Investment Company Act Release No. 11703, are not rules and, therefore, not subject to the Regulatory Flexibility Act.

Dated: March 26, 1981.

Philip A. Loomis, Jr.,

Acting Chairman.

[FR Doc. 81-9707 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 1 and 282

[Docket No. RM80-78; Order No. 134]

Delegation of Authority Under Natural Gas Policy Act of 1978 to Director, Office of Pipeline and Producer Regulation, To Grant Exemptions from Incremental Pricing

Issued: March 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting, as a final rule, an interim rule, issued on September 23, 1980, (45 FR 65170, October 1, 1980). This rule delegates the authority of the Commission under section 206(d) of the Natural Gas Policy Act to the Director of its Office of its Office of Pipeline and Producer Regulation to exempt on a case-by-case basis industrial fuel uses of natural gas otherwise subject to incremental pricing under section 201 of the Natural Gas Policy Act. This rule will reduce the number of applications for exemptions on which the Commission must act directly and thereby help expedite the application process.

EFFECTIVE DATE: This rule is effective April 22, 1981.

FOR FURTHER INFORMATION CONTACT:

Ronald Leach, Office of the General Counsel, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357-5417

Peter Lefkin, Office of the General Counsel, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357-8607

SUPPLEMENTARY INFORMATION: In the matter of delegation of authority under section 206(d) of the Natural Gas Policy Act of 1978 to the Director, Office of Pipeline and Producer Regulation, to grant exemptions from incremental pricing.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is adopting, as a final rule, an interim rule promulgated pursuant to its authority under section 501(a) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432). The interim rule, issued on September 23, 1980, (45 FR 65170, October 1, 1980) delegated the authority of the Commission under section 206(d) of the NGPA to the Director, Office of Pipeline and Producer Regulation, (Director) to exempt on a case-by-case basis industrial facility uses of natural gas otherwise subject to incremental pricing under section 201 of the NGPA.

Section 282.206 of the Commission's regulations was revised to implement this delegation on an interim basis and to prescribe for such exemptions the same standards and procedures employed by the Director in processing requests for Staff Adjustments under section 502(c) of the NGPA and § 1.41 of the Commission's regulations.

The Commission, in accordance with 5 U.S.C. 553(b), found good cause to waive the normal notice and comment procedures and the interim rule took effect immediately on September 23, 1980. The interim rule invited interested persons to file written comments and to request the opportunity to make an oral presentation of their views at a public hearing. Both Brooklyn Union Gas Company and United Distribution Companies (UDC) requested an oral hearing but later withdrew their requests. UDC filed the only written comment in this docket.

II. Discussion of UDC's Comment

UDC's comment supported the Commission's delegation order. It agreed with the Commission that the Director should handle petitions for exemptions of individual facilities on a case-by-case basis. It further agreed with the Commission that submission of individual exemption orders to Congress is not required under the language of section 206(d).

UDC also suggested that § 1.41(d)(2)(i) of the Commission's regulations, which sets forth certain procedures applicable to exemptive orders by the Director, be amended to require service of the petition for exemption on the Applicant's supplier. Section 1.41(d)(2)(i) currently reads as follows:

> (2) Service. (i) the applicant shall serve a copy of the application, or a copy from which confidential information has been deleted in accordance with paragraph (1) of the section on each person who is reasonably ascertainable by the applicant as a person who may suffer direct and measurable economic impact if the relief is granted.

UDC seeks to amend this provision by adding the following clause at the end thereof:

> and on the applicant's immediate natural gas supplier.

UDC argues that the exemption of any individual facility pursuant to section 206(d) of the NGPA will directly affect the billings of the facility's gas suppliers. Consequently, UDC asserts that it is important that the supplier have prompt notice of the petition for exemption.

The Commission accepts with modification UDC's requested amendment. Section 1.41(d)(2)(i) is accordingly being amended to require service of notice to the natural gas supplier(s) of any applicant seeking an exemptive order pursuant to section 206(d). This provision is expressly limited to requests for exemptive orders pursuant to 206(d) and does not apply to any other petition filed under that section.

This provision is promulgated here on an interim basis because § 1.41 is an interim rule. At a later date, the Commission may make § 1.41 final under Docket No. RM79-32 (adjustment procedures).

Inasmuch as no other comments were filed, the Commission finds that the interim rule should be adopted as a final rule, amended as discussed above.

III. Effective Date

Since the amendment concerns a matter of agency practice and procedure, notice and public procedure thereon is unnecessary pursuant to 5 U.S.C. 553(b).

The final rule set forth below is effective on April 22, 1981.

(Natural Gas Policy Act of 1978, Pub. L. No. 95-621, 92 Stat. 3350 15 U.S.C. *et seq.* 3301-3432)

In consideration of the foregoing, the Commission amends Part 282, Subchapter I and, on an interim basis, § 1.41(d)(2)(i) Part I, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations as set forth below, effective April 22, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 282.206 is revised to read as follows:

§ 282.206 Petitions for exemptions under section 206(b).

(a) *Petitions to the Commission for exemptive rules.*

(1) *General rule.* Any person may petition the Commission to issue a rule of general applicability under the authority of Section 206(b) of the NGPA for the exemption, in whole or in part, of any non-exempt industrial boiler fuel facility or category thereof.

(2) *Filing requirements.* A petition for a general rule under this paragraph shall:

(i) conform to the requirements of § 1.7;

(ii) contain sufficient information and data to permit review of the request on the merits; and

(iii) provide an analysis of any environmental issues which are relevant to the petition.

(3) *Notice.* Public notice of the filing of a petition for a general rule of the Commission shall be given with opportunity for comment by interested persons.

(4) *Denial without prejudice.* A petition for a general rule of the Commission which is not acted upon within 90 days of the date for submission of comments shall be deemed denied without prejudice.

(b) *Petitions for exemptive orders of the Director of the Office of Pipeline and Producer Regulation.*

(1) *General rule.* Any person may petition the Commission to grant by order an exemption, under the authority of section 206(d) of the NGPA, in whole or in part, from incremental pricing, to any non-exempt industrial boiler fuel facility, in accordance with the provisions of § 1.41.

(2) *Criteria.* (i) As provided in § 1.41(h), the Director of the Office of Pipeline and Producer Regulation or a person who is designated by the Director and who is an employee of the Commission, shall grant a petition where there are sufficient facts to make a determination on the merits and where the Director, or delegate of the Director, determines that an exemption is necessary to prevent or alleviate:

(A) Special hardship;

(B) Inequity; or

(C) An unfair distributions of burdens.

2. Section 1.41, in paragraph (d)(2)(i), is revised on an interim basis to read as follows:

§ 1.41 Requests for adjustments under the NGPA.

* * * * *

(d) * * *

(2) *Service.* (i) The applicant shall serve a copy of the application, or a copy from which confidential information has been deleted in accordance with paragraph (1) of this section on: (A) each person who is reasonably ascertainable by the applicant as a person who may suffer direct and measureable economic impact if the relief is granted and (B) the applicant's natural gas supplier if the applicant is an industrial boiler fuel facility seeking exemption from incremental pricing pursuant to § 282.206(b).

* * * * *

[FR Doc. 81-9712 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Monensin Blocks

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Moorman Manufacturing Co. providing for safe and effective use of a medicated block containing monensin for increased rate of weight gain in pasture cattle.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: Moorman Manufacturing Co., 1000 N. 30th St., Quincy, IL 62301, filed an NADA (115-581) providing for use of a 33⅓-pound molasses-mineral block containing 0.033 percent monensin for increased rate of weight gain in slaughter, stocker, and feeder cattle under winter-like pasture conditions requiring supplemental feed. Approval of this NADA partly relies upon safety and effectiveness data contained in Elanco Products Co.'s approved NADA's 95-735 and 38-878. The NADA's provide for use of monensin premixes for making finished animal feeds. The feeds are also used for increased rate of weight gain. Use of the data in NADA's 95-735 and 38-878 to support this NADA has been authorized by Elanco. Because this approval provides for use of the block as an alternative form for administering monensin, the Bureau of Veterinary Medicine concludes that it poses no increased human risk from exposure to residues of the drug nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this original NADA has been treated as would an approval of a Category II supplement and did not require reevaluation of safety and effectiveness data in NADA 95-735 or safety data in NADA 38-878.

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

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1448 by redesignating the existing text as paragraph (a) (1) through (4) and adding new paragraph (b). As revised § 520.1448 reads as follows:

§ 520.1448 Monensin blocks.

(a)(1) *Specifications.* Each pound of

molasses-mineral block contains 400 milligrams of monensin (0.088 percent) as monensin sodium.

(2) *Sponsor.* See 012315 in § 510.600(c) of this chapter.

(3) *Related tolerances.* See § 556.420 of this chapter.

(4) *Conditions of use*—(i) *Amount.* 80 to 200 milligrams of monensin (0.2 to 0.5 pound of block) per head per day.

(ii) *Indications for use.* Increased rate of weight gain.

(iii) *Limitations.* Block to be fed free choice to pasture cattle (slaughter, stocker, and feeder) weighing more than 400 pounds. Provide at least 1 block per 5 head of cattle. Feed blocks continuously. Do not feed salt or minerals containing salt. Do not allow horses or other equines access to formulations containing monensin (ingestion of monesin by equines has been fatal). The effectiveness of this block in cull cows and bulls has not been established.

(b)(1) *Specifications.* Each pound of molasses-mineral block contains 150 milligrams of monensin (0.033 percent) as monensin sodium.

(2) *Sponsor.* See 021930 in § 510.600(c) of this chapter.

(3) *Related tolerances.* See § 556.420 of this chapter.

(4) *Conditions of use*—(i) *Amount.* 50 to 200 milligrams of monensin (0.34 to 1.33 pounds of block) per head per day.

(ii) *Indications for use.* Increased rate of weight gain.

(iii) *Limitations.* Blocks to be fed free choice to cattle (slaughter, stocker, and feeder weighing more than 400 pounds) under winter-like pasture conditions requiring supplemental feed. Provide at least 1 block per 10 to 12 head of cattle. Roughage must be available at all times. Do not allow animals access to other protein blocks, salt or mineral while being fed this product. Do not allow horses or other equines access to formulations containing monensin (ingestion of monesin by equines has been fatal). Blocks' effectiveness in cull cows and bulls has not been established.

Effective date. This regulation is effective March 31, 1981.

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

Dated: February 18, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-9426 Filed 3-30-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 886

[Docket No. R-81-732]

Subpart C, Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects; Correction

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule; Notice of Correction.

SUMMARY: This document corrects an inadvertent omission in the amended rule which appeared at page 70365 in the Federal Register of Thursday, December 6, 1979, (44 FR 70365) and in subsequent issues of the CFR. The Department is correcting Part 886 to include the omitted material again without substantive change as appeared in §§ 886.324 and 886.325 prior to December 1979.

FOR FURTHER INFORMATION CONTACT: Marvin Hilman, Office of Multifamily Financing and Preservation, Housing, 451 Seventh Street, S.W., Washington, D.C., 20410, 202–755–7220. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Accordingly, the Department of Housing and Urban Development is correcting 24 CFR 886.324 and 886.325 to read as follows:

1. Section 886.324 is revised to read as follows:

§ 886.324 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.

(a) *Reexamination of family income.* Reexamination of family income, composition, and the extent of medical or other unusual expenses incurred by the family shall be made by the owner at least annually, except that such reviews may be made at intervals no longer than 2 years in the case of elderly families, and when requested by the family, and appropriate redeterminations shall be made by the owner of the amount of the gross family contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

(b) *Continued family eligibility.* A family's eligibility for housing assistance payments shall continue until the amount payable by the family equals the gross rent for the dwelling unit it occupies. However, the termination of eligibility at such point shall not affect the family's other rights under its lease nor shall such termination preclude resumption of payments as a result of subsequent changes in income or rents or other relevant circumstances during the term of the contract. The family may at any time request a redetermination of the gross family contribution on the basis of changes in family income, family composition, or other relevant circumstances.

2. Section 886.325 is revised to read as follows:

§ 886.325 Overcrowded and under occupied units.

(a) *Change in family composition, family's notification.* The family shall notify the owner of a change in family composition and shall transfer to an appropriate size dwelling unit, based on family composition, upon appropriate notice by the owner or HUD that such a dwelling unit is available. Such a family shall have priority over a family on the owner's waiting list seeking the same size unit.

(b) *Change in family composition, owner's responsibilities.* Upon receipt by the owner of a notification by the family of a change in the family size, the owner agrees to offer the family a suitable unit as soon as one becomes vacant and ready for occupancy. If the owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, HUD may assist the family in finding a suitable dwelling unit and require the family to move to such unit as soon as possible.

(c) *HUD actions if appropriate size unit is not made available.* If the owner fails to offer the family a unit appropriate for the size of the family when such unit becomes vacant and ready for occupancy, HUD may abate housing assistance payments to the owner for the unit occupied by the family and assist the family in finding a suitable dwelling unit elsewhere.

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

Issued at Washington, D.C., March 26, 1981.

George O. Hipps, Jr.,

Acting General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 81-9755 Filed 3-30-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

31 CFR Part 51

Further Deferral of Effective Date of Revenue Sharing Regulations

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Notice of further deferral of effective date of revenue sharing handicapped discrimination regulations.

SUMMARY: The effective date of the revenue sharing handicapped discrimination regulations will be delayed until June 1, 1981, pending reconsideration pursuant to Executive Order 12291, "Federal Regulation."

DATES: The effective date of the deferral of § 51.55 is March 31, 1981. The effective date of § 51.55 as published at 46 FR 1120, January 5, 1981 is deferred until June 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Richard S. Isen, Acting Chief Counsel, Office of Revenue Sharing;
or
Jacqueline L. Jackson, Attorney, Office of Chief Counsel for Revenue Sharing, Treasury Department, Washington, D.C. 20226, (202) 634–5182.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 1981, the Office of Revenue Sharing ("ORS") published in the Federal Register (46 FR 1120) final handicapped discrimination regulations, implementing Section 504 of the Rehabilitation Act of 1973, as amended, for purposes of the Revenue Sharing Program. The regulation was due to take effect on February 4, 1981. On January 29, 1981, the President issued a memorandum entitled "Postponement of Pending Regulations," which in part required the deferral for 60 days of the effective date of any final regulation pending at the date of the memorandum. Pursuant to that memorandum, the ORS filed a notice with the Federal Register on February 2, 1981, which was published on February 5, 1981 (46 FR 10908), that the effective date of the regulations would be deferred until March 30, 1981, to permit reconsideration by the new administration.

Deferral of Final Regulations

On February 19, 1981, the President issued Executive Order 12291 entitled "Federal Regulations" (46 FR 13193). The Executive Order requires Federal agencies to defer the effective dates of final regulations to permit reconsideration and to prepare a regulatory impact analysis. It further requires Federal agencies to decide whether to indefinitely defer the effective date of final regulations during the review period or to allow the regulations to have interim effect pending completion of reconsideration. The Department will solicit comments concerning this issue in a separate document to be published later in the Federal Register. In accordance with 5 U.S.C. Section 553(b), the effective date of the revenue sharing handicapped discrimination regulations will be delayed for an additional 60 days.

Notice is hereby given that the effective date of Section 51.55 has been deferred until June 1, 1981.

Authority

This notice is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 *et seq.*) and Treasury Department Order No. 224 (January 26, 1973 (33 FR 3342) as amended by Treasury Department Order No. 242, Revision No. 1, May 17, 1977.

Dated: March 27, 1981.

Judith A. Denny,

Deputy Director for Policy and Compliance.

John E. Schmidt,

Acting Assistant Secretary (Domestic Finance).

[FR Doc. 81-9819 Filed 3-30-81; 8:45 am]
BILLING CODE 4810-28-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-1793-5]

Approval and Promulgation of Nonattainment Area Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of today's rulemaking is to announce final conditional approval of Rule 08 of Chapter 3745–17 of the Ohio Administrative Code for the primary total suspended particulate (TSP) nonattainment area of Middletown, Ohio and final approval of the control program and permits developed pursuant to Rule 08 for the ARMCO Middletown Works Plant. Rule 08 and the ARMCO control program were submitted to EPA as draft revisions to the Ohio State Implementation Plan (SIP) on January 6, 1981. These revisions were submitted to EPA by the State to satisfy the requirements of Part D of the Clean Air Act (Act). In the January 27, 1981 Federal Register (46 FR 8583), EPA proposed rulemaking on these draft SIP revisions. At that time, EPA stated that it would complete final rulemaking on Rule 08 and the ARMCO control program and permits if, after completion of all of the State's procedural requirements, the State submitted to EPA the regulatory and nonregulatory portions of this SIP revision, without any significant changes.

On February 18 and March 13, 1981 the State of Ohio submitted to EPA the adopted regulatory and non-regulatory portions of this SIP revision. In the February 24, 1981 Federal Register (46 FR 13735), EPA notified the public of the receipt of the February 18, 1981 submittal and alerted the public to the fact that the State would submit additional information in early March. At that time EPA extended the comment period provided in the January 27, 1981 Federal Register from February 26 to March 19, 1981. This was done to allow interested parties an opportunity to examine and comment on the State submittal. Based on EPA's review of these revisions EPA conditionally approves Rule 08 as it applies to the sources in Middletown, Ohio and approves the ARMCO control program and the operating permits developed pursuant to Rule 08.

EFFECTIVE DATE: This final rulemaking becomes effective March 26, 1981.

ADDRESSES: Copies of this SIP revision are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

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

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

The Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43215

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Clarizio, Air Programs Branch, Regulatory Analysis Section, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6035.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act), as amended in 1977, USEPA designated certain areas in Ohio

as nonattainment with respect to the National Ambient Air Quality Standards (standards) for total suspended particulates (TSP). At that time, the City of Middletown, located in Butler County, Ohio was designated as a primary nonattainment area for TSP.

Part D of the Clean Air Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for those areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. The requirements for an approval SIP are described in a Federal Register notice published April 4, 1979 (44 FR 20372) and are not repeated here. Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

The control strategy submitted for the Middletown primary nonattainment area consists of revised Rules 01–11 of Chapter 3745–17 of the Ohio Administrative Code, the ARMCO control program and enforceable permits developed for ARMCO pursuant to Rule 08, a commitment by Ohio EPA to submit the individual enforceable control programs required by Rule 08 for each of the other fugitive emission sources located in the primary nonattainment area, TSP monitoring data and a modeling analysis which demonstrates attainment of the primary TSP standard by December 31, 1982.

As EPA stated in the January 27, 1981 Federal Register (46 FR 8584), although rules 01–11 were submitted as part of the plan for the area, EPA is only rulemaking on Rule 08 as it applies to the Middletown area and the ARMCO control program and operating permits developed pursuant to Rule 08. Rulemaking on the adequacy of Rules 01–07, 09–11 and 08 for the remainder of the State will be discussed in a separate Federal Register notice.

Rule 08 requires the owner or operator of a fugitive dust source located in the area to develop a control program for that source. It exempts, however, from compliance, fugitive emissions from the number 3 Blast Furnace and the numbers 15 and 16 Basic Oxygen Furnaces located at ARMCO's Middletown Works Plant. These sources are permitted to operate at status quo levels. For the other fugitive sources located at ARMCO's Middletown Works Plant, ARMCO has developed, pursuant to Rule 08, a specific fugitive control program. This program, included as part of the Middletown control strategy, will reduce fugitive emissions in the area by implementing the following measures on plant property: reducing vehicular traffic, cleaning paved roads, treating unpaved surfaces with dust suppressants, reducing bare areas by means of road paving and vegetative cover and installing spray systems for coal and other storage piles. To ensure that these measures are enforceable the State submitted revised operating permits.

EPA's Evaluation and Final Determination

In the January 27, 1981 Federal Register, EPA stated that it would conditionally approve Rule 08 for the Middletown area if: (1) it were adopted by the State in the form in which it appeared on January 6, 1981; (2) the State submitted for approval or committed itself to submit on a schedule negotiated between the State and EPA, the individual enforceable control programs required by proposed Rule 08 for each of the fugitive emission sources located in the primary nonattainment area; and (3) the State submitted the modeling analysis conducted for the area. The modeling analysis was to: (a) base the modeled emission rates for the point sources located in Middletown on maximum allowable emissions contained in Ohio's current SIP; (b) follow present EPA modeling guidelines; and (c) demonstrate attainment of the TSP standard by December 31, 1982.

In addition to proposing conditional approval of Rule 08 for the Middletown area, EPA proposed to approve ARMCO's control program if it were submitted to EPA as part of the official SIP revision and if it contained enforceable measures which were consistent with the modeling analysis.

On February 18, 1981, the State of Ohio submitted to EPA adopted Rule 08. There were no changes in the rule. It was adopted and submitted to EPA in exactly the same form that it was submitted in on January 6, 1981. Additionally in the February 18, 1981 transmittal letter, the State committed itself to submit by December 31, 1981 the individual enforceable control programs required by proposed Rule 08 for each of the fugitive emission sources located in the primary nonattainment area.

Along with Rule 08, the State also submitted a modeling analysis which assesses the effectiveness of the Middletown control strategy. This analysis was performed using the maximum emission rates allowable under Ohio's current SIP for the point sources located in the area. For the fugitive sources in the area, the modeling analysis only took credit for the reductions achieved as a result of implementation of ARMCO's fugitive dust control program. Although additional reductions in TSP emissions should occur as a result of the fugitive control programs developed for the other sources in the area no credit has been taken for these additional reductions in this modeling analysis.

EPA's review of the modeling analysis indicates that it was conducted in accordance with EPA's modeling guidelines. The model used was the Climatological Dispersion Model (CDM) with a receptor network which had an 0.25km grid resolution in those areas in which maximum TSP emissions would occur. Five years of representative meteorological data were utilized. The modeling analysis predicted that by December 31, 1982 the primary TSP standard would be attained.

The State's submittal did not contain a demonstration for the secondary TSP standard. EPA will be working with the State of Ohio to continue with the ambient air quality monitoring and to demonstrate attainment for the secondary TSP standard.

On February 18, 1981, the State also submitted a copy of the ARMCO fugitive control program. Along with this program, on March 13, 1981 the state submitted operating permits which covered, among other things, process emissions from ARMCO's Middletown Works number 3 Blast Furnace and the numbers 15 and 16 Basic Oxygen Furnaces.

The permits for ARMCO's fugitive dust control program were submitted to EPA on March 13, 1981. EPA has reviewed these operating permits and has determined that they are enforceable. Furthermore, EPA had determined that the permits are consistent with the modeling analysis conducted for the area.

During the comment period provided by the January 27, 1981 Federal Register, EPA received one comment. The individual, a representative of ARMCO, noted that during the period August to November 1980 the ambient monitoring data collected for the area indicated that the adjusted geometric mean TSP concentration had improved to 70 micrograms of TSP per cubic meter of air (70 ug/m3). In the January 27, 1981 Federal Register EPA noted that the improvement was to 77ug/m3. EPA has reanalyzed the monitoring data and concurs with the commentor. No other public comments were received by EPA.

EPA approves the control program and permits developed for the ARMCO Middletown works plant. It should be

noted, however, that for federal enforcement purposes these permits will continue to be federally enforceable even after any state expiration date. EPA also approves Rule 08 for the Middletown primary nonattainment area provided the State submits to EPA by December 31, 1981 the individual enforceable control programs required by Rule 08 for each of the fugitive emission sources located in the primary nonattainment area. A notice soliciting public comment on the acceptability of this date appears in a subsequent Federal Register. It should be noted that EPA's approval of the ARMCO permits should not necessarily be interpreted as establishing reasonably available control technology (RACT) levels of control for these sources. RACT determinations for these sources are not required because an adequate modeling analysis showing attainment as expeditiously as practical has been supplied for the area.

A discussion of conditional approval and its practical effect appears in the July 2, 1979 Federal Register (44 FR 38583) and the November 23, 1979 Federal Register (44 FR 67182). A conditional approval requires the State to submit additional materials by the specified deadlines negotiated between the State and EPA prior to final rulemaking. A conditional approval will mean that the restrictions on new major source construction in the area will not apply unless the State fails to submit the necessary material by the scheduled date, or if it is not approved by USEPA. Conditional approvals will not be granted without strong assurance by the appropriate State official(s) that the deficiencies will be corrected by the date specified.

EPA will follow the procedures described below when determining if the requirements of the conditional approval have been met.

1. When the State submits the required additional documentation, EPA will review it. EPA will publish a notice of final rulemaking approving the additional documentation if it has determined that the public has had adequate opportunity to know and comment on the contents of the documentation. Otherwise, EPA will publish a notice in the Federal Register announcing receipt and availability of the submission and that the conditional approval is continuing pending EPA's final action on the submission.

2. EPA will evaluate the State's admission and public comments on the submission to determine if noted deficiencies have been fully corrected. After review is complete, a Federal Register notice will either fully approve the plan if all conditions have been met, or withdraw the conditional approval and disapprove the plan. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the State fails to submit the required materials according to the negotiated schedule, EPA will publish a Federal Register notice shortly after the expiration of the time limit for submission. The notice will announce the conditional approval is withdrawn, the SIP is disapproved and the Section 110(a)(2)(I) restrictions of growth are in effect.

It should be noted that the measures promulgated today will be in addition to, and not in lieu of existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations or if it chooses, challenging the new regulations. In some instances, the present emission control regulations contained in the federally approved SIP are different from the regulations currently being enforced by the State. In these situations, the present federally approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and federally approved regulations. Failure of a source to meet applicable preexisting regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is an instance of delay or lapse of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulation such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance with the new regulation. In this situation, the State may exempt a source from compliance with the pre-existing regulation. Any exemptions granted will be reviewed and acted on by EPA either as part of these promulgated regulations or as a future SIP revision.

Pursuant to the provisions of 5 United States Code section 605(b), I hereby certify that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This action only approves state actions and imposes no new requirements. Furthermore, due to the nature of the federal-state relationship, as defined by the Clean Air Act, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could be improper.

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

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by June 1, 1981. Under Section 307(b)(2) of the Clean Air Act the requirements which are the subject of today's action may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

USEPA has determined that good cause exists for making these revisions immediately effective. By making this final rulemaking immediately effective, some of the restrictions on industrial growth contained in section 110(a)(2)(I) of the Act will be lifted from this area. These restrictions are imposed for a failure to have a State Implementation Plan which meets the requirements of Part D after the final date for SIP approval specified in the Act. USEPA has determined that major portions of this SIP revision meet the requirements of Part D. Therefore, it would be contrary to the public interest to continue for thirty days after the publication of this notice the restrictions on industrial growth in the Middletown, primary TSP nonattainment areas.

Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1980. This Notice of Final Rulemaking is issued under the authority of Section 110(a) of the Clean Air Act as amended (42 U.S.C. 7410a)).

Dated: March 26, 1981.

Walter C. Barber,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

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

1. Section 52.1870 is amended by adding new paragraph (c)(27) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(27) On February 18, and March 13, 1981, the Governor of Ohio submitted Rule 08 of Chapter 3745–17 of the Ohio Administrative Code for Middletown and the operating permits for the fugitive sources located at ARMCO's Middletown Works Plant.

2. Section 52.1875 is revised to read as follows:

§ 52.1875 Attainment dates for national standards.

The following table presents the latest by which the national standards are to be attended. The dates reflect the information presented in Ohio's plan except where noted.

AQCR	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Greater Metropolitan Cleveland Interstate (AQCR 174):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	e	c.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Huntington (West Virginia-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Intrastate (AQCR 103):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Mansfield-Marion-Intrastate (AQCR 175):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Metropolitan Cincinnati Interstate (AQCR 079):							
a. Primary/Secondary Nonattainment Areas.	j	h	f	f	b	i	i.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Metropolitan Columbus Intrastate (AQCR 176):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	d	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Metropolitan Dayton Intrastate (AQCR 173):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	d	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Metropolitan Toledo Interstate (AQCR 124):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	g	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Northwest Ohio Interstate (AQCR 177):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Northwest Pennsylvania Youngstown Interstate (AQCR 178):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Parkersburg (West Virginia)-Marietta (Ohio) Interstate:							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	b.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Sandusky Intrastate (AQCR 180):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Steubenville-Wierton-Wheeling Interstate (AQCR 181):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	d	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Wilmington-Chillicothe-Logan Intrastate (AQCR 182):							
a. Primary/Secondary Nonattainment Areas.	h	h	b	b	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.
Zanesville-Cambridge Intrastate (AQCR 183):							
a. Primary/Secondary Nonattainment Areas.	h	h	f	f	b	b	d.
b. Remainder of AQCR	b	b	b	b	b	b	b.

NOTE.—Sources subject to the plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1875 published July 1, 1979.

NOTE.—For actual nonattainment designations refer to 40 CFR Part 81.

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. Air quality levels presently below primary standards or is unclassifiable.
b. Air quality levels presently below secondary standards or is unclassifiable.
c. For Stark, and Portage Counties attainment is to be achieved by December 31, 1982. For the remaining counties attainment is to be achieved by December 31, 1987.
d. December 31, 1982.
e. For Summit County attainment is to be achieved by December 31, 1982. For Cuyahoga County the attainment date is to be achieved by December 31, 1987.
f. August 27, 1979 except for the companies listed in (1) which are subject to an attainment date of June 17, 1980, the Ashland Oil Company in Stark County which is subject to an attainment date of September 14, 1982, the companies in Summit County listed in (2) which are subject to an attainment date of January 4, 1983, and the PPG Industries, Inc. (boilers only) in Summit County, Ohio which is subject to an attainment date of August 25, 1983.
(1) Youngstown Sheet & Tube Co.: PPG Industries, Inc.; Wheeling-Pittsburgh Steel Corp.; Pittsburgh-Canfield Corporation; The Timken Company; The Sun Oil Co.; Sheller-Globe Corp.; The B.F. Goodrich Company; Phillips Petroleum Co.; Shell Oil Co.; Federal Paper Board Co.; The Firestone Tire & Rubber Co.; Republic Steel Corp.; Chase Bag Co.; White-Westinghouse Corp.; U.S. Steel Corp.; Interlake, Inc.; Austin Power Co.; Diamond Crystal Salt Co.; The Goodyear Tire & Rubber Co.; The Gulf Oil Co.; The Standard Oil Co.; Champion International Corp.; Koppers Co., Inc.; General Motors Corp.; E. I. duPont de Nemours and Co.; Coulton Chemical Corp.; Allied Chemical Corp.; Specialty Chemicals Division; The Hoover Co.; Aluminum Co. of America; Ohio Greenhouse Assoc.; Armco Steel Corp.; Buckeye Power, Inc.; Cincinnati Gas and Electric; Cleveland Electric Illuminating Co.; Columbus and Southern Ohio Electric; Dayton Power and Light Co.; Duquesne Light Co.; Ohio Edison Co.; Ohio Electric Co.; Pennsylvania Power Co.; Toledo Edison Co.; Ohio Edison Co.; RCA Rubber Co.
(2) In Summit County; Diamond Crystal Salt; Firestone Tire & Rubber Co.; General Tire & Rubber; B.F. Goodrich, Co.; Goodyear Aerospace Corp.; Goodyear Tire & Rubber Co.; Chrysler Corp.; PPG Industries, Inc.; Seiberling Tire & Rubber; Terex Division of General Motors Corp.; Midwest Rubber Reclaiming; Kittinger Supply Co.
g. Attainment will be specified in the future.
h. April 15, 1977.
i. December 31, 1987.
j. For the primary nonattainment area of Middletown, Ohio, located in Butler County, Ohio, attainment of the primary standard is to be achieved by December 31, 1982. For all other nonattainment areas within this AQCR the previously specified attainment date of April 15, 1977 is still applicable.

3. Section 52.1880 is amended by adding new paragraph (d)

§ 52.1880 Control strategy: Particulate matter.

* * * * *

(d) Part D—Conditional Approval—The following portions of the Ohio Plan are approved provided that the following conditions are satisfied:

(1) For the Middletown, Ohio primary nonattainment area Rule 08 of Chapter 3745–17 of the Ohio Administrative Code provided the State submits the individual enforceable control programs required by Rule 08 for each of the fugitive emission sources located in the primary nonattainment area.

[FR Doc. 81–9735 Filed 3–30–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 81

[A–6–FRL 1793–4]

Texas; Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule: Clarification.

SUMMARY: This action makes clarification to the **Federal Register** final rulemaking published on November 25, 1980, regarding the attainment status designations in the State of Texas for 10 areas with respect to total suspended particulate (TSP). The Texas Air Control Board (TACB) submitted to EPA a request to redesignate eleven (11) areas in TACB Resolution R79–2. This notice is to clarify that all the TSP areas in TACB R79–2 were approved for redesignation except the Houston 2 area which is presently under EPA's review.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767–1518.

Dated: March 10, 1981.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 81–9640 Filed 3–30–81; 8:45 am]

BILLING CODE 6560–38–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–37

[FPMR Amendment F–47]

Telecommunications Management; Listening-In and/or Recording of Telephone Conversations

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation describes the circumstances under which listening-in or recording of telephone conversations may be performed in Government operations and prescribes policies that limit the practices within the Federal Government. The intended effect is to restrict and control the practice of listening-in and recording of telephone conversations.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Procurement Policy and Regulations Branch (202–566–0194).

SUPPLEMENTARY INFORMATION: A proposed rule was published in the **Federal Register** on June 27, 1978 (43 FR 27867), which proposed to severely limit the use of these listening-in and recording devices. As a result of the comments received, FPMR Temporary Regulation F–491 was published to allow listening-in under certain circumstances when approved by the agency head.

Temporary Regulation F–491, Supplement 1 thereto, regarding information that agencies provide to the General Services Administration, are canceled and deleted from the appendix at the end of Subchapter F in 41 CFR Chapter 101. Also GSA Bulletin FPMR FPMR F–86 concerning the use of line identification equipment is canceled.

PART 101–37—TELECOMMUNICATIONS MANAGEMENT

1. The table of contents for Part 101–37 is amended to revise one entry and to add six entries as follows:

Sec.

2. Section 101–37.311 is revised and §§ 101–37.311–1 through 101–37.311–5 are added to read as follows:

§ 101–37.311 Listening-in or recording of telephone conversations.

This section describes the limited circumstances under which listening-in or recording of telephone conversations may be performed by Federal agencies and prescribes policies that limit the practice within the Federal Government.

Note.—The provisions of this § 101–37.311 do not apply to telecommunications monitoring conducted in accordance with Executive Order 12036. Nothing in this regulation shall be construed as authorization for the listening-in or recording of any telephone conversations for the purpose of committing any criminal or tortious act in violation of the Constitution of the laws of the United States.

§ 101–37.311–1 Definitions.

(a) "Consensual" means that one party to a telephone conversation has given prior consent to the interception or recording of the conversation.

(b) "Nonconsensual" means that none of the parties to a telephone conversation has given consent to the interception or recording of the conversation.

(c) "Listening-in devices" as used in this subpart means such devices that can intercept any telephone communication and be used to listen-in

and/or record telephone conversations without the knowledge of one or more of the parties to the conversation.

(d) "Determination" means a written document (usually a letter) that specifies the operational need for listening-in or recording of telephone conversations, indicates the specific system and location where it is to be performed, lists the number of telephones and/or recorders involved, establishes operating times and an expiration date, and justifies the use. It is signed by the agency head or the agency head's designee.

§ 101-37.311-2 Nonconsensual listening-in or recording.

Nonconsensual listening-in or recording of telephone conversations shall be authorized and handled in accordance with the requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (18 U.S.C. 2510 et seq.), and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

§ 101-37.311-3 Consensual listening-in or recording.

Consensual listening-in or recording of telephone conversations on the Federal Telecommunications System or any other telephone system approved in accordance with the Federal Property and Administrative Services Act of 1949, section 201(a) (1) and (3) (40 U.S.C. 481(a) (1) and (3)), and implementing regulations thereof is prohibited except under the following conditions:

(a) When performed for law enforcement purposes in accordance with procedures established by the agency head, as required by the Attorney General's Guidelines for Administration of the Omnibus Crime Control and Safe Streets Act of 1968, and in accordance with procedures established by the Attorney General.

(b) When performed for counter-intelligence purposes and approved by the Attorney General or the Attorney General's designee.

(c) When performed by any Federal employee for public safety purposes and when documented by a written determination of the agency head or the designee citing the public safety needs. The determination must identify the segment of the public needing protection and cite examples of the hurt, injury, danger, or risks from which the public is to be protected. Examples of these practices are police and fire department operations, air traffic safety control, and air/sea rescue operations.

(d) When performed by a handicapped employee, provided a physician has certified (and the head of the agency or designee concurs) that the employee is physically handicapped and the head of the agency or designee determines that the use of a listening-in or recording device is required to fully perform the duties of the official position description. Equipment shall be for the exclusive use of the handicapped employee. The records of any interceptions by handicapped employees shall be used, safeguarded, and destroyed in accordance with appropriate agency records management and disposition systems.

(e) When performed by any Federal agency for service monitoring but only after analysis of alternatives and a determination by the agency head or the agency head's designee that monitoring is required to effectively perform the agency mission. Strict controls must be established and adhered to for this type of monitoring. (See § 101-37.311-4 on agency responsibilities for minimal procedures.)

(f) When performed by any Federal employee with the consent of all parties for each specific instance. This includes telephone conferences, secretarial recording, and other acceptable administrative practices. Strict supervisory controls shall be maintained to eliminate any possible abuse of this privilege. The agency head or the agency head's designee shall be informed of this capability for listening-in or recording telephone conversations.

§ 101-37.311-4 Agency responsibilities.

Each agency shall ensure that:

(a) All listening-in or recording of telephone conversations as defined in § 101-37.311-3 (c), (d), or (e) shall have a written determination approved by the agency head or the agency head's designee before operations.

(b) Service personnel who monitor listening-in or recording devices shall be designated in writing (see § 101-37.311-3(e)) and shall be provided with written policies covering telephone conversation monitoring. These policies shall contain at a minimum the following instructions:

(1) No telephone call shall be monitored unless the Federal agency has taken continuous positive action to inform the callers of the monitoring.

(2) No data identifying the caller shall be recorded by the monitoring party.

(3) The number of calls to be monitored shall be kept to the minimum necessary to compose a statistically valid sample.

(4) Agencies using telephone instruments that are subject to being monitored shall conspicuously label them with a statement to that effect.

(5) Since no identifying data of the calling party will be recorded, information obtained by the monitoring shall not be used against the calling party.

(c) Current copies and subsequent changes of agency documentation, determinations, policies, and procedures supporting operations under § 101-37.311-3 (c), (d), or (e) shall be forwarded before the operational date to the General Services Administration (CPEP), Washington, DC 20405. Specific telephones shall be identified in the documentation and/or determination to prevent any possible abuse of the authority.

(d) Procedures for monitoring performed under § 101-37.311-3(a) (law enforcement) shall contain at a minimum:

(1) The identity of an agency official who is authorized to approve the actions in advance;

(2) An emergency procedure for use when advanced approval is not possible;

(3) Adequate documentation on all actions taken;

(4) Records administration and dissemination procedures; and

(5) Reporting requirements.

(e) Requests to the General Services Administration for acquisition approval and/or installation of telephone listening-in or recording devices shall be accompanied by a determination as defined in § 101-37.311-1(d).

(f) A program is established to reevaluate at least every 2 years the need for each determination authorizing listening-in or recording of telephone conversations.

§ 101-37.311-5 GSA responsibilities.

(a) GSA's Automated Data and Telecommunications Service, Office of Policy and Planning (CPEP), will be accountable for information concerning the use of listening-in or recording of telephone conversations in the Federal Government as requested under § 101-37.311-3 (c), (d), and (e).

(b) GSA will periodically review the listening-in programs within the agencies to ensure that agencies are complying with the intent of the Federal Property Management Regulations.

(c) GSA will provide assistance to agencies in determining what communications devices and practices fall within the listening-in or recording category; i.e., those that have the capacity to listen in, monitor, or intercept telephone conversations. GSA will also help develop administrative alternatives to the listening-in or recording of telephone conversations. Requests for assistance shall be addressed to: General Services

Administration (CT), Washington, DC 20405.

(d) GSA will take appropriate steps to obtain compliance with this regulation if an agency has not documented its devices in accordance with this section.

3. Section 101–37.313 is added to read as follows:

§ 101–37.313 Use of line identification equipment.

Line identification equipment may be installed on FTS telephone facilities to assist Federal law enforcement agencies to investigate threatening telephone calls, bomb threats, and other criminal activities. No invasion of privacy is involved, and the use of this equipment does not violate the Privacy Act of 1974 or any Federal or State wiretap laws; e.g., title III of the Omnibus Crime Control and Safe Streets Act of 1968. Information and assistance may be obtained from General Services Administration (CT), Washington, DC 20405.

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

Dated: March 6, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–9636 Filed 3–30–81; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6013]

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

Correction

In FR Doc. 81–8578, at page 17781, in the issue of Friday, March 20, 1981, on page 17782, make the following corrections to the table for § 64.6:

(1) Under the "State and County" heading the thirteenth line, designated "Minnesota: Marshall", correct the entry under the heading "Effective dates of authorization/cancellation of sale of Flood Insurance in community" by changing the last word "reinforced" to read "reinstated" and

(2) Under the "State and County" heading "Kentucky: Scott", correct the entry under the heading "Effective dates of authorization/cancellation of sale of flood insurance in community" by changing the last word "reinforced" to read "reinstated".

BILLING CODE 1505–01–M

44 CFR Part 64

[Docket No. FEMA–6019]

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

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

EFFECTIVE 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. Gary D. Johnson, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, 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.

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	Date[1]
Alabama:					
Baldwin	Daphne, city of	010005B	Mar. 2, 1981, suspension withdrawn	June 7, 1974, Aug. 15, 1975	Mar. 2, 1981.
Madison	Owens Cross Roads, town of	010218A	do	June 25, 1976	Do.
Arkansas: Benton	Rogers, city of	050013B	do	May 24, 1974, Feb. 27, 1976	Do.
Illinois:					
Will	Crete, village of	170700B	do	Apr. 12, 1974, June 18, 1976	Do.
Lake	Green Oaks, village of	170364B	do	Mar. 8, 1974, July 2, 1976	Do.
Kane	Hampshire, village of	170327B	do	May 3, 1974, Mar. 26, 1976	Do.
Indiana: Hamilton	Noblesville, city of	180082D	do	May 24, 1974, June 25, 1976, Sept. 16, 1977, Aug. 4, 1978.	Do.
Iowa:					
Benton	Vinton, city of	190016B	do	Apr. 5, 1974, Jan. 23, 1976	Do.
Bremer	Waverly, city of	190030B	do	Mar. 29, 1974, Apr. 30, 1976	Do.
Kansas:					
Butler	Unincorporated areas	200037B	do	Feb. 21, 1978	Do.
Douglas	do	200087B	do	June 17, 1977	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Do	Lawrence, city of	200090A	do	Aug. 13, 1976	Do.
Jefferson	Perry, city of	200153B	do	Dec. 7, 1973, Dec. 26, 1975	Do.
Kentucky: Scott	Stamping Ground, city of	210261A	do	Jan. 3, 1975	Do.
Louisiana:					
Rapids Parish	Cheneyville, town of	220148B	do	May 17, 1974 and Oct. 24, 1975.	Do.
Do	Lecompte, city of	220150B	do	May 17, 1974 and Jan. 16, 1976	Do.
Acadia Parish	Mermentau, village of	220006B	do	Nov. 23, 1973 and Nov. 14, 1975.	Do.
Do	Rayne, city of	220008B	do	Mar. 29, 1974 and Mar. 5, 1976.	Do.
Maryland: Baltimore	Unicororated areas	240010B	do	Apr. 18, 1975 and June 4, 1976.	Do.
Michigan:					
Eaton	Delta, charter township of	260066C	do	Sept. 13, 1974 and July 16, 1976 and Dec. 23, 1977.	Do.
Wayne	Plymouth, township of	260237B	do	Aug. 9, 1975 and Oct. 17, 1975.	Do.
Minnesota:					
Clay	Barnesville, city of	270078B	do	May 10, 1974 and June 4, 1976.	Do.
Anoka	Fridley, city of	270013B	do	May 17, 1974 and May 14, 1976.	Do.
Fillmore	Mabel, city of	270127B	do	May 17, 1974 and June 4, 1976.	Do.
Goodhue	Pine Island, city of	270145B	do	May 24, 1974 and Aug. 8, 1976.	Do.
St. Louis	Proctor, city of	270425B	do	Apr. 5, 1974 and Mar. 19, 1976.	Do.
Anoka	St. Francis, city of	270017B	do	June 28, 1974 and Apr. 11, 1975.	Do.
Nebraska: Lancaster	Bennet, village of	310251A	do	Apr. 25, 1975	Do.
New Jersey:					
Sommerset	Hillsborough, township of	340436B	do	July 26, 1974, Jan. 14, 1977	Do.
Burlington	Mount Laurel, township of	340107B	do	Jan. 9, 1974, Aug. 6, 1976	Do.
New York: Cayuga	Auburn, city of	360102C	do	Nov. 28, 1973, Mar. 26, 1976, Dec. 24, 1976.	Do.
Oklahoma: Tulsa	Glenpool, town of	400208C	do	June 28, 1974, May 28, 1976, June 20, 1978.	Do.
Pennsylvania:					
Lycoming	Brown, township of	420636B	do	Aug. 9, 1974, Nov. 14, 1975	Do.
Lycoming	Moreland, township of	421846A	do	Feb. 28, 1975	Do.
Texas:					
Hunt	Commerce, city of	480366B	do	Mar. 8, 1974, Sept. 10, 1976	Do.
Fort Bend and Harris and Waller.	Katy, city of	480301C	do	June 28, 1974, July 9, 1976, Jan. 24, 1978.	Do.
Vermont: Chittenden	Williston, town of	500043B	do	Mar. 15, 1974, Mar 4, 1977	Do.
Wisconsin: Outagamie.	Black Creek, village of	550584A	do		Do.

State and county	Location	Community number	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Illinois: Cook	Richton Park, village of	170149B	Dec. 6, 1973, emergency; Jan. 16, 1981, regular; Jan. 16, 1981 suspended; Mar. 2, 1981 reinstated.	Apr. 12, 1974 and Oct. 31, 1975.
Minnesota: Coodhue	Cannon Falls, city of	270141B	Apr. 5, 1974, emergency; Jan. 2, 1981, regular; Jan. 2, 1981, suspended; Mar. 2, 1981, reinstated.	May 28, 1974 and June 18, 1974.
Pennsylvania: Bradford	Monroe, borough of	420170A	Apr. 5, 1973, emergency; July 16, 1980, regular; July 16, 1980, suspended; Mar. 2, 1981, reinstated.	May 3, 1974.
Texas: Gregg	Unincorporated areas	480261A	Mar. 3, 1981, emergency	Jan. 3, 1978.
South Carolina: Anderson	Williamston, town of	450020C	July 18, 1975, emergency; Mar. 4, 1980, regular; Mar. 4, 1980, suspended; Mar. 4, 1981, reinstated.	May 31, 1974 and Sept. 8, 1978.
Wisconsin: Monroe	Melvina, village of	550288B	Mar. 2, 1981, emergency; Mar. 2, 1981, regular,.	May 28, 1976.
South Carolina: Aiken	North August, city of	450007C	Mar. 12, 1975, emergency; Feb. 1, 1980, regular; Feb. 1, 1980, suspended; Mar. 5, 1981, reinstated.	June 28, 1974 and July 2, 1976.
New York: Cattaraugus	Lyndon, town of	360083A	Mar. 9, 1981, emergency	Apr. 2, 1976.
Minnesota: Rice	Unincorporated areas	270646B	May 30, 1974, emergency; Feb. 4, 1981, regular; Feb. 4, 1981, suspended; Mar. 6, 1981, reinstated.	Oct. 21, 1977.
Arkansas: Logan	do	050447A	Mar. 13, 1981, emergency;	Oct. 18, 1977.
New York: Essex	Wilmington, town of	361161	do	Jan. 17, 1975.
Pennsylvania: Greene	Springhill, town of	421677	do	Apr. 11, 1975.
Texas:				
Mitchell	Unincorporated areas	480937	do	
Refugio	Woodsboro, town of	480987	do	July 2, 1976.
Freestone	Wortham, town of	480826	do	Oct. 29, 1976.

[1] Date certain Federal assistance no longer available in special flood hazard area.

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

Issued: March 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administrator.

[FR Doc. 81-9474 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA 6022]

44 CFR Part 64

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

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

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	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Alabama:				
Baldwin County	Daphne, city of	010005	750221, emergency, 810302, regular	740607
Madison County	Owens Cross Roads, city of	010218	740806, emergency, 810302, regular	760625
Arkansas: Benton County	Rogers, city of	050013	750612, emergency, 810302, regular	740524
Illinois:				
Will County	Crete, village of	170700	750521, emergency, 810302, regular	740412
St. Clair County	East Carondelet, village of	170625	740215, emergency, 810302, regular	740503
Lake County	Green Oaks, village of	170364	740312, emergency, 810302, regular	740308
Kane County	Hampshire, village of	170327	760114, emergency, 810302, regular	740503
Indiana: Hamilton County	Noblesville, city of	180082	750612, emergency, 810302, regular	740524
Iowa:				
Benton County	Vinton, city of	190016	740718, emergency, 810302, regular	740405
Bremer County	Waverly, city of	190030	750502, emergency, 810302, regular	740329
Kansas:				
Butler County	Butler County*	200037	750623, emergency, 810302, regular	780221
Douglas County	Douglas County*	200087	750530, emergency, 810302, regular	770617
Douglas County	Lawrence, city of	200090	730615, emergency, 810302, regular	760813
Jefferson County	Perry, city of	200153	750421, emergency, 810302, regular	731207
Kentucky:				
Pike County	Pikeville, city of	210193	750513, emergency, 810302, regular	740517
Scott County	Stamping Ground, city of	210261	760428, emergency, 810302, regular	750103
Lousiana:				
Rapides Parish	Cheneyville, town of	220148	750527, emergency, 810302, regular	740517
Rapides Parish	Lecompte, town of	220150	750721, emergency, 810302, regular	740517
Acadie Parish	Mermentau, village of	220006	760112, emergency, 810302, regular	731123
Acadia Parish	Reyne, city of	220008	740827, emergency, 810302, regular	740329
Maryland: Baltimore County	Baltimore County*	240010	720324, emergency, 810302, regular	750418
Michigan:				
Eaton County	Delta, charter township of	260066	741205, emergency, 810302, regular	740913
Ingham County	Lansing, city of	260090	730309, emergency, 810302, regular	740607
Wayne County	Plymouth, township of	260237	750806, emergency, 810302, regular	750809
Minnesota:				
Clay County	Barnesville, city of	270078	740502, emergency, 810302, regular	740510
Anoka County	Fridley, city of	270013	740121, emergency, 810302, regular	740517

State and county	Location	Community	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Fillmore County	Mabel, city of	270127	740415, emergency, 810302, regular	740517
Goodhue County	Pine Island, city of	270145	740904, emergency, 810302, regular	740524
St. Louis County	Proctor, city of	270425	741121, emergency, 810302, regular	740405
Anoka County	St. Francis, city of	270017	750929, emergency, 810302, regular	740628
Fillmore County	Whalan, city of	270133	740823, emergency, 810302, regular	770114
Nebraska: Lancaster County	Bennet, village of	310251	760803, emergency, 810302, regular	750425
New Jersey: Somerset County	Hillsborough, township of	340436	740618, emergency, 810302, regular	740726
New York: Cayuga County	Auburn, city of	360102	730216, emergency, 810302, regular	731128
Oklahoma: Tulsa County	Glenpool, town of	400208	750206, emergency, 810302, regular	740628
Pennsylvania:				
Lycoming County	Brown, township of	420636	730511, emergency, 810302, regular	740809
York County	Dover, township of	420920	730309, emergency, 810302, regular	740201
Lycoming County	Moreland, township of	421846	760615, emergency, 810302, regular	750228
Mifflin County	Wayne, township of	421240	740503, emergency, 810302, regular	741213
Texas:				
Hunt County	Commerce, city of	480366	750410, emergency, 810302, regular	740308
Fort Bend County	Katy, city of	480301	750213, emergency, 810302, regular	740628
Vermont: Chittenden County	Williston, town of	500043	750717, emergency, 810302, regular	740315
Virginia: Wise County	Pound, town of	510177	750124, emergency, 810302, regular	740614
Washington: Clark County	Washougal, city of	530028	740725, emergency, 810302, regular	740315
Wisconsin:				
Outagamie County	Black Creek, village of	550584	751113, emergency, 810302, regular	
Monroe County	Melvina, village of	550288	810302, emergency, 810302, regular	740830
Indiana: Lake County	Whiting, city of	180313	770309, emergency, 810302, regular	750110

*Unincorporated areas.
Total—47.

(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: March 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9475 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 6021]

Notice of Communities With No Special Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administration, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

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

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION:

In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1–4 family dwelling is $.25 per $100 per coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

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

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

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

The entry reads as follows:

§ 65.8 List of Communities with No Special Flood Hazard Areas.

State, County, Community Name, and Date of Conversion to Regular Program

Arizona, Apache, City of St. Johns; March 30, 1981
California, Santa Clara, City of Monte Sereno; March 30, 1981
California, San Mateo, City of San Mateo; March 30, 1981
California, San Mateo, City of San Bruno; March 30, 1981
Georgia, Madison, City of Comer; June 1, 1978
Michigan, Saginaw, City of Birch Run; February 20, 1979
Minnesota, Ramsey, City of Rosenville; March 30, 1981
Missouri, Christian, City of Clever; March 30, 1981
Missouri, Webster & Greene, City of Rogersville; March 30, 1981
Oklahoma, Ellis, City of Gage; March 30, 1981
Oregon, Lane, City of Lowell; March 30, 1981
Utah, Weber, City of Pleasant View; March 30, 1981
Washington, Walla Walla, City of Walla Walla; March 30, 1981

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 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: March 12, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9467 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Harlingen, Texas, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Harlingen, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Harlingen, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485477A Panel 10, published on October 6, 1980, in 45 FR 66098, indicates that Lots 10 through 19, Block 7; Lots 15 through 27, Block 10; Lots 2 through 26, Block 16; and Lots 2 through 13, Block 17, Haverford Place, Section Six, Harlingen, Texas, as recorded in Cabinet I, Page 130-B of Map Records, in the Office of the Clerk, Cameron County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 485477A Panel 10 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on October 17, 1975. The lots are in Zone C.

(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; delegation of authority to Federal Insurance Administrator)

Issued: March 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9466 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Cameron County, Texas, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Cameron County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Cameron County, Texas, that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b): Map No. H & I 480101 Panel 0150A, published on October 6, 1980, in 45 FR 66097, indicates that Lot 28, Block 10; Lot 30, Block 13; Lot 27, Block 14; Lots 1 and 30, Block 15; Lots 1 and 27, Block 16; and Lot 1, Block 17, Haverford Place, Section Six, Cameron County, Texas, as recorded in Cabinet I, Page 130-B of Map Records, in the Office of the Clerk, Cameron County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480101 Panel 0150A is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on June 15, 1979. These lots are in Zone C.

(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; delegation of authority to Federal Insurance Administrator)

Issued: March 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9468 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 80-439; FCC 81-100]

Radio Frequency Devices; Amendment of the Commission's Rules To Clarify Which Electronic Games Are Exempted From Commission Certification

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: The Commission adopted a Report and Order which changes the exemption from certification for certain electronic games. In lieu of an exemption based on "hand held", the exemption will now be based on using a clock frequency of 495 kHz or less. The revision also makes it clear that games exempt from certification are subject to verification. (The status of coin operated games, the subject of petitions RM-3738 and RM-3789, will be treated in a separate rule making proceeding.) This action is in response to a petition filed by the Toy Manufacturers Association.

DATES: Effective April 27, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Herman Garlan, Office of Science and Technology, Federal Communications Commission, Washington, DC 20554, phone 202-653-8247.

In the matter of amendment of Part 15 (Computing Devices Rules) to clarify which electronic games are exempted from Commission certification.

Report and Order

Adopted: March 11, 1981.

Released: March 24, 1981.

By the Commission:

1. A Notice of Proposed Rule Making in this proceeding was adopted on August 1, 1980 and released August 12, 1980.[1] Interested parties were invited to file comments by September 22, 1980 and reply comments by October 7, 1980.

2. Comments were received from:

Toy Manufacturers of America Inc. (TMA)
Dash, Straus and Goodhue Inc. (Dash)
Texas Instruments Inc. (TI)
Atari Inc.
Association of Maximum Service Telecasters Inc. (AMST)
Radiation Sciences Inc.
Mattel Electronics Inc. (Mattel)
Milton Bradley Co. (Bradley)

[1] 45 FR 54784; August 18, 1980.

Reply comments were received from: Toy Manufacturers of America Inc.[2] Dash, Straus and Goodhue Inc.[3]

TMA, Dash, AMST, Mattel and Bradley generally support the proposed change. Atari and TI generally oppose the change whereas Radiation Sciences calls attention to the interference produced by the AC adapters used with these games.

3. TMA, a non-profit trade association, felt that the 500 kHz criterion to be "clear, objective and easily understood". Moreover, TMA thought the ½ watt power limitation to be an effective alternative, such that electronic games and toys fully within the bounds of either requirement be excluded from Commission certification. TMA saw little advantage in using a 495 kHz line of demarcation, as opposed to the 500 kHz limit, as the output, potential for interference is "far too limited to affect the maritime distress calling band." Although it supports the amendment, TMA questions the use of the term "self-contained" which it argues is confusing and should be eliminated. TMA urges the Commission to clarify the status of games using an AC adapter, arguing that such an adapter should have no impact on the interference potential of the game pointing to the data attached to the Dash comment as supporting this contention.

4. Dash, Straus and Goodhue Inc., a corporation engaged in the design, testing and development of electronic games and toys, concurred with TMA saying that "the exemption of electronic games with clock frequencies below 500 kHz from certification makes sense." Moreover, Dash thought that using 495 kHz instead of 500 kHz was reasonable and that this change would pose no great difficulties to designers of such games. Dash questions the usefulness of ½ watts total power as an alternative limit, pointing out that using power as a limit requires a precise definition of the power to be measured. It poses the following questions that must be answered if a power limit is used. Does the limit include the power consumed by the speaker? by the lights? by LEDs? Is power measured in terms of RMS? of peak? of quasi peak? (Dash comment at paragraph 5).

5. Dash also suggests that the Commission hold open the possibility of raising the cutoff clock frequency to 1 or 2 MHz if sometime in the future it was found that these games also do not have the potential to emit significant amounts of interference radiation. Dash also questions the use of the term self contained in the proposed rule and urges the Commission either to clarify the meaning of self contained or to delete the term from the proposed rule.

6. AMST, an organization of more than 240 television broadcast stations interested in maintaining and improving technical quality in television broadcast service, stated that the 500 kHz rule, "poses very little threat to interference to the public's television service." AMST's comments are accompanied by a supporting statement from A. D. Ring and Associates, consulting radio engineers, which indicates that "low clock rates are unlikely to cause interference, since very high order harmonics, of approximately order 100, would have to be produced to cause interference to low television channels." On the other hand, AMST believes that a power based exemption would not prevent the problem of interference caused by low order harmonics produced by games with clocks of higher frequencies. According to Ring, the power in a harmonic is inversely proportional to the square of the order of the harmonic, and therefore, low order harmonics pose a greater possibility of interference. Games with high clock rates that generate relatively low order harmonics, therefore, are more likely to cause interference.

7. Mattel supports the amendment and indicates it has no objection to the use of 495 kHz as a cut-off frequency in lieu of 500 kHz. It urges that games using AC adapters be permitted to come within the exemption and points out some of the problems in making power measurements. It also calls attention to the desirability of extending the exemption to games using a higher clock, for instance 1 to 4 MHz (Mattel paragraph 3), using a combination of criteria. However, no numerical values to be used in such a combination of criteria are suggested. Bradley states that after studying the proposed rules, it has concluded that the adoption of the proposal would be in "the best interest of this company and the toy industry in general."

8. Radiation Sciences Inc. offers engineering and test services in the electromagnetic environmental sciences including electromagnetic interference. Its employees have extensive background in computer systems, electromagnetic compatibility design and testing. Radiation Sciences agrees

[2] The petition to accept a late filing submitted by TMA is granted.

[3] Although received late, this comment is accepted since the Commission indicated (NPRM paragraph 8) that it would use any information available to it as long as the information was placed in the public file.

that the exemption from certification for hand held games is undoubtedly valid for battery operated games since the potential for interference of a battery operated game is virtually negligible. However, this may not be true when the same game is operated from the AC line by means of an adapter since the AC adapter may itself be a serious source of interference. Accordingly, Radiation Sciences recommends that the exemption be limited to battery operated games that have no provision for operation by an AC adapter, and the games with provision for plugging in an AC adapter, be required to be certificated.

9. Atari, Inc. (Atari), and Texas Instruments Inc., (TI), leading computerized entertainment device manufacturers, objected strongly to the proposed rule change. Atari stated, "Existing rules allow the Commission to effectively regulate the potential interference . . . the adoption of the recommended cut-off limit of 500 kHz is certainly no assurance that a game will not emit significant levels of radiation." Atari felt that although games with clock rates below 500 kHz probably posed no significant potential to cause interference, there was likewise no data indicating that games with clock rates greater than 500 kHz caused interference. "Personal calculators, digital watches, and hand held games, generally low-power, relatively simple devices, while having an abstract potential to generate interfering RF, depending upon their proximity to susceptible receivers, do not have 'significant potential for causing interference.' " Furthermore, Atari stated that "in the event that such a hand held device is found to cause harmful interference, the Commission may require that subsequently produced units must comply with the Class B emission specifications prior to the mandatory effective date applicable to such products. Section 15.834(d)."

10. Atari felt that the rule change as proposed has been based upon the state-of-the-art in hand held game development and innovations in the game industry could allow games with clock frequencies greater than 500 kHz to radiate at levels equally low to games with clock frequencies below 500 kHz. Moreover, Atari stated that the proposed rule would "undermine the introduction of innovative characteristics in future games" by hampering designers. New electronic architectures, optimizing economics and technology in their design would be precluded due to the inherent regulatory delay associated with Commission certification. Similarly, both TI and Atari argued that ½ watt was not a viable alternative as a basis for exemption from certification.

11. Dash replied to TI and supported the AMST engineering statement that a game with a lower fundamental clock frequency (as below 500 kHz) had a significantly lower potential to cause harmonic interference than one with a higher clock frequency.

Discussion

12. The comments in this proceeding dealt with several questions. Most parties agreed that hand held is not sufficiently specific as a dividing line whether the game should be exempt from certification. Most parties agreed that using the fundamental clock frequency was much more definitive and hence to be preferred. There was disagreement whether the dividing line should be 495 kHz, or 500 kHz, or some higher frequency such as 1–2 MHz. No technical data or arguments are presented favoring a choice of 495 kHz or 500 kHz as the cut-off frequency. In this connection, we note that 500 kHz has been used for marine safety communications since the earliest days of radio, and that the international radio regulations allocate the band 495–505 kHz as a guard band around 500 kHz. Since no arguments favor the selection of 500 kHz over 495 kHz and since both Dash and Mattel both agree with a cut-off frequency at 495 kHz, we have decided to provide this additional protection to 500 kHz by specifying 495 kHz as the cut-off frequency for the exemption from certification. As to the argument that this choice will delay the introduction of innovative techniques requiring a higher clock frequency, we can only say that we do not believe the certification procedure to be excessively burdensome. It will be incumbent on parties using a higher fundamental clock frequency to consider the requirements of the certification program in their planning. In addition parties desiring that the exemption be extended to toys using a higher clock frequency may submit a petition for rule making to make this change. The petition must be supported, preferably by measurement of the games in question, showing that such games are not likely to become a source of interference and that verification of games operating at the proposed higher clock frequency is an adequate safeguard.

13. Use of ½ watt as a separation criterion is clearly not satisfactory. For one, there is the problem of what to measure. Secondly, it bears no relation to the interference potential for these types of games. Accordingly, we have dropped this criterion and are retaining only the clock frequency and the self-contained characteristic.

14. Several parties have requested clarification of the term self-contained. We have done this by attaching a note to this requirement which reads:

> The term self-contained means that the game is built into a single package. The use of a detachable AC adapter does not change the self-contained character of the game.

15. A question was raised concerning the interference produced by the AC adapter. We are aware of this problem and it is touched on in our proceeding in Docket 20780.[4] However, the interference produced by the AC adapter is not an inherent characteristic of the electronic game and we do not feel it is appropriate to regulate the AC adapter by imposing additional restrictions on the game. We would urge all game manufacturers who provide AC adapters with their games to take care that the AC adapter furnished to the user be relatively interference free.

16. A question was also raised about postponing the date when certification for electronic games should be required. This question was discussed in our *First Report*[5] and was reconsidered in our *Order on Reconsideration.*[6] We feel that the implementation date for certification is a matter outside the scope of this proceeding. We have already granted a number of waivers [7] of this requirement. Other parties finding compliance with this date an unusual hardship may seek a similar waiver.

17. We have taken the opportunity presented by this rule making to rewrite Section 15.834 in its entirety to clarify that verification is required for those games that are exempt from certification. This requirement was inherent in the original text of Section 15.834 but the language was obscure. We believe the revised text has eliminated this area of confusion.

18. In view of the foregoing, we have accordingly revised the text of Section 15.834 to change the exemption from certification and to base it instead on the use of a fundamental clock

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[4] Notice of Proposed Rule Making in Docket 20780 *"In the Matter of Amendment of Part 15 to redefine and clarify the rules governing restricted radiation devices* adopted April 14, 1976, released April 23, 1976. 62 FCC 2d 666, 671–2 (1976); 41 FR 17938 (1976).

[5] *First Report and Order* in Docket 20780, adopted September 18, 1979, released October 11, 1979, 44 FR 59530, October 16, 1979.

[6] *Order Granting in Part Recansideration* in Docket 20780, adopted March 27, 1980, released April 9, 1980, 45 FR 24154, April 9, 1980.

[7] *Order Granting Waiver,* FCC 80–708, adopted December 4, 1980, released December 9, 1980 at paragraph 8, 46 FR 4923, January 19, 1981, FCC Report 5031 (mimeo 04559, December 4, 1980 G).

frequency of 495 kHz. The other characteristics of the exemption are retained. We have also taken this opportunity to eliminate the ambiguous text in other parts of § 15.834. We have also reworded the text of subparagraph (3) of § 15.834(a) to clarify which peripheral equipment must be certificated. The justification for rewording subparagraph (3) is contained in a separate *Order*[5] adopted this same date.

19. Pursuant to authority in Section 4(i), 302, 303(r) of the Communications Act of 1934, as amended, IT IS ORDERED that effective April 27, 1981, Section 15.834 is amended as set out in the Appendix to this Order and the proceeding in this matter is terminated.

20. For further information about this Order contact Mr. Herman Garlan, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554, phone 202–653–8247.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Section 15.834 of Part 15 is revised to read as follows:

§ 15.834 Class B Computing Device: Compliance Requirement.

(a) The following categories of Class B computing equipment which are manufactured after January 1, 1981 shall be certificated by the Commission prior to marketing pursuant to Subpart I of Part 2 of this Chapter:

(1) Electronic games (including coin operated games) exclusive of games that meet all the conditions in paragraph (d) of this section.

(2) Personal computers as defined in Section 15.4(q) of this part exclusive of hand held calculators, desk top calculators or digital clocks or watches.

(3) Personal computer peripheral equipment.

(b) A Class B computing device not listed in paragraph (a) of this Section and first placed into production after October 1, 1981 shall be verified for compliance with the requirements for a Class B computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter.

(c) A Class B computing device not listed in paragraph (a) of this Section and manufactured after October 1, 1983, regardless of date of first production shall be verified for compliance with the requirements for a Class B computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter.

(d) An electronic game meeting all the criteria listed in this paragraph is exempt from certification by the Commission but must be verified by the manufacturer:

(1) The game is self-contained.

Note.—The term self-contained means that the game is built into a single package. The use of a detachable AC adapter does not change the self-contained character of the game.

(2) The game does not use a TV receiver as a display.

(3) The game uses digital logic that generates a clock frequency below 495 kHz.

(e) A desk top calculator or a hand held calculator is not considered to be a personal computer subject to certification by the FCC. Such calculators are considered to be Class B computing devices subject to verification pursuant to the schedules in paragraphs (b) and (c) of this section.

(f) A digitial clock or watch is not considered to be a personal computer subject to certification by the FCC. Such a clock or watch is considered to be a Class B computing device subject to verification pursuant to the schedules in paragraphs (b) and (c) of this section.

(g) The procedures for certification and verification are set out in Part 2 Subpart J of this chapter.

(h) Notwithstanding the above, in the event harmful interference is caused to radio communications, subsequently produced offending units may be required to comply with the technical specification herein prior to the mandatory effective date.

(i) For a Class B computing device subject only to verification, the Commission may require the manufacturer to perform additional testing and may require certification by the Commission pursuant to Subpart J of Part 2 of this Chapter, if the device has been found to cause harmful interference.

[FR Doc. 81-9549 Filed 3-30-81; 8:45 am]

BILLING CODE 6712-01-M

[5] *Order Clarifying the Rules*, Docket 20780, adopted March 11, 1981 —— FR ————.

47 CFR Part 31

[CC Docket No. 79-105; RM-3017; FCC 81-104]

Uniform System of Accounts for Class A and Class B Telephone Companies; Accounting for Station Connections, Optional Payment Plan Revenues and Related Capital Costs, Customer Provided Equipment and Sale of Terminal Equipment

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted amendments to its rules prescribing a uniform system of accounts for telephone companies. The revisions provide for a change from capitalization to expensing for the new inside wiring portion of station connections. The transition to expensing may be phased in over a four-year period. In addition, changes were prescribed in the accounting rules concerning costs and revenues related to the removal of carrier-provided terminal equipment, and treatment of costs and revenues related to sales of terminal equipment and inplace inside wiring. The Commission had observed that the amount capitalized in the station connection account was growing at a disproportionate rate. The effect of the former accounting treatment was to defer recognition of costs, burdening future ratepayers. These changes are designed to place the burden of current costs on present customers.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Wilson, Common Carrier Bureau, (202) 632–3863.

SUPPLEMENTARY INFORMATION:

First Report and Order

Adopted: November 6, 1980.

Released: March 31, 1981.

By the Commission: Chairman Ferris not participating; Commissioner Lee dissenting and issuing a statement; Commissioner Fogarty issuing a separate statement.

I. Introduction

1. On August 14, 1979 we released a Notice of Proposed Rulemaking in this proceeding[1] wherein it was proposed to amend Part 31 of the Commission's Rules and Regulations so as to modify

[1] CC Docket 79-105, 44 FR 48968.

the accounting for station connections, and to adopt rules prescribing accounting treatment for optional payment plan revenues and related capital costs, customer provided equipment and the sale of terminal equipment.

2. Specifically, we proposed, among other things, the expensing of the entire cost of station connections recorded in account 232, "Station connections," and invited comments on: (1) how to account for several optional station connection offerings, including the sale of either the entire station connection, or only the inside wire; (2) how to differentiate between the sale of in-place connections versus the sale of new installations; (3) whether the change in accounting should be phased-in or become effective with the final decision; (4) should station connection activity be recorded in separate subaccounts of account 605, "Repairs of station equipment"; and (5) the methods and treatment appropriate to dispose of the present balance in account 232 and the related theoretical depreciation reserve, if any. We also invited comments on the appropriateness of the currently prescribed accounting for the costs of replacing aerial drop wire with buried or underground drop wire where service discontinuance is not involved, and the appropriate accounting treatment to be prescribed for the visit to remove telephone company provided equipment (TPE), only in the instance when jacks are already installed.

3. Additionally, we proposed to amend Part 31 of the Rules and Regulations to provide appropriate accounting for terminal equipment offerings including two-tier and other customer optional payment plan revenues and related capital costs, and for the sale of telephone sets, and for the provision of repair service on customer provided equipment.

4. We invited comments on all these proposals, and also requested that if new accounts or sections were suggested, the proper definition, contents, and required changes to other affected sections of Part 31 should be included with the response.

II. Background

5. This proceeding began with a petition filed by American Telephone and Telegraph Company as a result of the Commission's Phase II Final Decision and Order in Docket 19129, 64 FCC 2d 1 (1977) (Phase II Order), wherein we held that the present accounting system should be modified so as to place the burden of all costs associated with station connections on the causative ratepayer as opposed to the present system which places the burden on present and future ratepayers. In our Final Decision and Order in Docket 19129, we ordered AT&T to submit a plan for changing the accounting treatment of station connection costs (64 FCC 2d at 110).[2]

6. The Bell System filed its plan with the Commission for changing the accounting treatment of station connection costs on August 31, 1977. On November 16, 1977, the Bell System, in order to implement its plan, filed a petition for rulemaking (RM 3017) proposing that the Commission amend Part 31 of its Rules and Regulations (Uniform System of Accounts for Class A and Class B Telephone Companies) so as to permit the adoption of their plan to change the accounting treatment of certain station connection costs currently capitalized in account 232. Essentially, Bell's proposal can be summarized as a partial expensing for certain costs involved in an initial installation of telephone service at a location, currently capitalized to account 232. The costs to be expensed are these associated with reconnections, reinstallations and extensions, as well as a number of miscellaneous costs including such activities as assignments, testing and apparatus handling. Bell considered these costs as not reusable by subsequent customers at a location and proposed a phase-in to expense of these costs over a four year period. Further, Bell would separate the total embedded investment in account 232 into two parts. The first part would include past costs that are a proper cost to be capitalized and should be depreciated over the expected life of the plant. The second part would include those costs (plus corresponding additions prior to change in treatment during phase-in period) identified to be expensed and would be amortized in equal amounts over a ten-year period.

7. In our Phase II Final Decision and Order in Docket 19129 (paras. 135–139), the principle was established that the causative ratepayer should bear the full burden of station connection costs. 64 FCC 2d at 55. Further, it was stated in Docket 19129, in reference to Docket 19528, "that the public interest would be served by permitting the connection of customer-provided equipment to the telephone network—provided such equipment has been certified in compliance with our requirements for protective circuitry to prevent harm to the telephone network."[3] Also, in Docket 19129 in reference to Docket 18128, it was held that each category of service should be priced on the basis of fully distributed costs, and thus, each service will be required to bear the burden of the costs incurred in providing that service (64 FCC 2d at 55).

8. Additionally, the Commission found in rejecting the primary instrument concept petition (Docket 78–36) that there is no valid basis for distinguishing between main stations and other extensions (67 FCC 2d 606). In fact, the comments of the New York Public Service Commission which were directed towards the Bell System's petition stated that adequate access to the network can be attained at a junction point other than at a main station. Therefore, to be compatible with our previous policies, we rejected the Bell System's proposal and substituted our own proposed amendment to Part 31, to reflect the full burden of the cost of station connections upon the causative ratepayer.

III. Summary of Comments

9. In our Notice of Proposed Rulemaking we invited interested parties to file comments on or before October 9, 1979 and reply comments on or before November 12, 1979.

10. Comments were received from the Bell System (AT&T and associated companies); GTE Service Corporation and its affiliated domestic telephone companies; New Jersey Board of Public Utilities; State of Wisconsin Public Service Commission; Rural Electrification Administration; Florida Public Service Commission; Nebraska Public Service Commission; Independent Data Communications Manufacturers Association, Inc.; National Telephone Cooperative Association; Rochester Telephone Corporation; State of California and California Public Utilities Commission; Wyoming Public Service Commission; New York State Public Service Commission; Michigan Public Service Commission; Continental Telephone Corporation; United Telecom Service, Inc.; United States Independent Telephone Association; Central Telephone and Utilities Corporation; and North American Telephone Association, Inc. Reply comments were received from State of California and California Public Utilities Commission; Iowa State Commerce Commission; Rural Electrification Administration; National Telephone Cooperative Association; United Telecom Service, Inc.; New York State Public Service Commission; GTE Service Corporation; and the Bell System.

11. In connection with resolving the station connections issues the Chief,

[2] In para. 239 of our final decision we stated "[l]ogically, such further changes to the accounting for the costs of station connection as are necessary to place the burden of such costs on the causative ratepayers would apply as well to the accounting for rearrangement and change expenses." 64 FCC 2d at 90.

[3] Docket 19129, 64 FCC 2d at 55.

Accounting and Audits Division of the Common Carrier Bureau on February 20, 1980, requested that the American Telephone and Telegraph Company and the General Telephone and Electronics Company provide revenue requirement impact studies for their respective domestic telephone systems based upon several alternative accounting assumptions. The studies were received and served on all parties of record in this proceeding during March 1980. The Common Carrier Bureau announced in a Public Notice on March 31, 1980, the receipt of the revenue requirement impact studies and that any party wishing to comment on the impact studies could do so by May 1, 1980. Two responses were received on these revenue requirement impact studies, from the State of Wisconsin Public Service Commission and the New York State Public Service Commission.

12. On our proposal to expense the entire cost of station connections, there was a consensus among the parties that telephone companies should expense only the inside wiring costs (beyond the protector), and continue to capitalize the drop and block wiring costs, up to and including the protector. Two of the parties wanted to continue capitalizing station connections as called for under the present accounting rules. Concerning whether the change in accounting should be phased-in over a period of time or become effective with the final rulemaking (flash-cut) the comments were roughly evenly divided. The primary objection to flash cut was that it would not allow sufficient time for companies to revise their tariffs to provide for the required increases in revenue. Most parties agreed that changes in station connection accounting should be prospective only and that the changeover date should be set far enough in the future to allow companies to make necessary tariff changes.

13. The majority of the parties did not comment on the question of separate subaccounts for station connection activity. Those that did, however, recommended that the subaccounts should be determined in Docket 78-196, that a functional basis be used, or that subaccounts were not desirable or needed.

14. With regard to the disposition of the present embedded cost in account 232, most parties agreed that the embedded cost should be amortized, and that 10 years was a reasonable amortization period. Other parties recommended that the embedded cost be amortized on the basis of economic life, physical life, or other specific years, i.e., 15, 18, etc.

15. Regarding the replacement of aerial drop wire with underground/buried wire, two parties agreed with our present accounting provisions. Other parties favored capitalizing either large scale replacements, or all conversion costs under betterments or retirement accounting.

16. Comments concerning two-tier and other optional payment plans fall generally into two groups. One group recommended that the recognition of costs should be over the applicable capital recovery period. The other was of the opinion that revenues should be deferred and ultimately recognized over the actual life of the equipment. Other alternatives and recommendations included combing various aspects of these two approaches. Additionally, one party believed that we were not in a position, and that it was premature, to establish accounting procedures, since interstate tariffs of this nature have not been filed. Also, one party suggested the adoption of the Financial Accounting Standards Board Statement Number 13, "Accounting for Leases," as the Commission's accounting policy in this area. Finally, several parties expressed serious concern about the implementation of unit depreciation or even establishing a unitized investment account for equipment used in these type plans.

17. In addressing the issue on the accounting treatment to be prescribed for the costs of the visit to remove telephone company provided equipment only in instances where jacks are already installed and service is not discontinued, all parties commenting on this subject agreed that said costs should be expensed.

18. Concerning the sale of terminal equipment and station connections (in-place and new), most parties agreed with our accounting treatment proposed for the selling of new equipment and connections. Some parties suggested that revenues and expenses related to sales of in-place station connections and terminal equipment be accounted for as an above-the-line transaction, and sales of new station connections and terminal equipment be accounted for as a below-the-line transaction. Other parties recommended that the sale of in-place station connections and terminal equipment be handled through the depreciation reserve as salvage, and that sales of new connections and equipment be accounted for below-the-line. One party wanted both in-place and new station connections and terminal equipment sales to be accounted for above-the-line. However, all parties in favor of the sale of station connections agreed that only the inside wiring portion of the station connection should be considered for sale. Another party suggested that the subject sales should not be addressed in this rulemaking. Comments on the question of determining the net value to be calculated for the sale of used telephones, drop and block wire, protector, and inside wire were rare. AT&T proposed that the appropriate reserve amounts should be determined on the basis of the applicable average theoretical depreciation reserve. Other parties commenting on this issue believe that the price must be based on actual market value irrespective of cost, and that as long as any gains or losses accrued to the ratepayer it is immaterial whether gains or losses are incurred.

19. Finally, the question of cost allocation safeguards for sales of terminal equipment and station connections received few comments. Those parties that did comment generally suggested: leaving the matter to the states, using fully allocated costs, performing special studies, or handling these types of transactions through a separate subsidiary.

IV. Discussion

Accounting for Station Connections

20. "Station connections" applies to costs that are currently capitalized in account 232, and consists of the original cost of inside wiring and cabling,[4] and the cost of installing or connecting items of station apparatus.[5] Generally, this includes the drop and block wires,[6] the protector or similar device and other miscellaneous items. This account reflects predominantly the cost of labor and various loadings. The labor costs are generated by activities such as assignment, testing, plant clerical, installations, travel time, apparatus handling, tree trimming, etc. The original costs of the drop and block wires, inside wiring, and other hardware items

[4] Inside cablings are restricted to small cables used in station installations instead of wires, such as those running from wall outlets of floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing equipment includable in account 234, "Large private branch exchanges," is included in that account. The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242.1, "Aerial cable."

[5] The cost of the station apparatus equipment is included in account 231, "Station apparatus."

[6] The drop and block wire could be either aerial wire or underground wire.

represent only a small fraction of the amount capitalized in account 232.

21. In our Notice of Proposed Rulemaking, we proposed the expensing of the entire cost of station connections presently being capitalized in account 232. This proposal was based upon the record and findings in Docket 19129, where we established the principle that the present accounting system should be modified to place the burden of all costs associated with station connections on the causative ratepayer rather than on all ratepayers, both present and future. In that proceeding, the Presiding Judge found, and we agreed, the 77 percent of the telephones installed during the five-year period ending December 31, 1974, did not represent increased service, but was due to churning.[7] "Churning" occurs when an existing customer moves, or the company offsets the loss of one customer with the gain of another.

22. The majority of the parties disagreed with our proposal to expense all items presently capitalized in account 232. These parties strongly advocated that the costs of station connections should be segregated, by separately identifying the portion of the station connection representing the drop and block wire up to and including the protector, from that of the inside wiring. They recommended the continued capitalization of the drop and block cost segment (referred to variously as service wire, the drop access wire, etc.) and the expensing of all other station connection activities relating to the inside wiring portion. To resolve this issue, we examined the relationship of the costs involved in the station connection activity regarding how they occur, how they change over time, and whether the asset is used by more than one customer during its service life. In our review we discerned that the majority of costs charged to account 232 were the result of the churning of station apparatus which generates costs relating to the inside wiring portion of the station connection. For example, in 1979 the Bell System installed approximately 36 million telephones and removed approximately 31 million telephones. This churning, or movement of station apparatus, resulted in a gain of only 5 million telephones.[8] When testing the cost components of account 232, AT&T's comments indicated that drop and block wire costs were only about 5% of the ongoing investment, and only approximately 15% of the total embedded investment in the account. Thus, it is apparent that much of the activity in account 232 is generated by the constant churning, and not the telephones gained. Therefore, the costs associated with frequent moves in our dynamic economy are paid for by everyone, not just the person who is moving. Further, several of the parties commenting on this issue indicated that the drop and block portion of station connections does not experience the same volatility or change as the inside wiring, and, in fact, it is rarely affected by such churning.

23. Moreover, one party pointed out the similarity of service connections made between the distribution facilities of a company in the gas and electric industry and its customer, with those made in the telephone industry. Generally, in the case of gas and electric utilities the company's interest stops at a meter usually located on, or just outside the dwelling itself. The inside wiring and pipes belong to the owner of the real property. As in the telephone industry the customer has little control over the distance of the service facilities between the main distribution facilities and the dwellings. These facilities and their placement, service life, etc., are determined by the company and are rarely changed or influenced by the customer. However, in the telephone industry, the physical placement, service life, etc. of the inside wiring is influenced directly by the customer.

24. Additionally, some parties stated that the drop and block wires, and protector are an integral part of the local distribution network and, as such, they are truly network related. NTCA stated "it is totally similar to and many times identified with the outside cable plant; in fact, when (it) can be further extended to service additional customers, it is then accounted for as an outside cable plant."[9] Some parties indicated that a major difference between the inside wiring and drop and block facilities is that the drop and block portion has a service life of many years and can serve many generations of subscribers, while the inside wire can be affected by a change in subscribers.

25. Based on these considerations, it appears that real differences do exist in the physical and investment characteristics of the drop and block wiring and the remainder of the items currently capitalized in account 232. As such, and for the reasons discussed herein, we agree with the majority of the parties that the drop and block costs up to and including the protector should continue to be capitalized and accounted for as provided by our present accounting rules.

26. In order to specifically identify these costs we direct all subject carriers to immediately begin the task of identifying and assigning their investment in account 232 into at least two subclasses: "Station connections—inside wiring," and "Station connections—other" (drop, block and protector portion). Once established, carriers are required to maintain this information on a continuous basis and be prepared to supply this information as directed by Commission staff. As this is only a first step in a series of items related to station connections, we will not, at this time, amend Part 31 to prescribe the specific details for separation of station connections into its subparts. Rather, we are requiring this information to be maintained in memorandum record form. In a separately issued Further Notice of Proposed Rulemaking, we will request that interested parties submit specific comments on the precise language change, definitions, etc. they believe are necessary to effectuate this sub-classification including any recommended alternatives.

27. At this point in time, the precise identification of a single point of demarcation to distinguish that portion of the investment which will continue to be capitalized and that portion which will be expensed cannot be made for each and every circumstance. Due to the diversity of services offered, the differences in building construction characteristics, the type of customers occupying a given building, and the ever changing methods of providing service and of constructing buildings, the decision must for the moment remain with the company. Nevertheless, within the industry, there is a common term called the "demarcation point" which can be physically identified by those familiar with actual service provision. That is, in any given structure it is reasonable to expect that if one were to ask several different telephone plant engineers to identify the demarcation point they would all identify the same point. Therefore, in the interim, we will accept this location as a reasonable

[7] A churning involves a large number of inward and outward moves of stations but only a relatively small net gain in stations.

[8] In contrast, the net gain in main telephones for the Bell System was only 2 million in the same year. We understand that main stations are synonymous with main telephones recognized by the telephone industry as telephones connected by individual or party line circuits directly to a central office switchboard or toll board. Only one telephone for each central office line is classified as main. In key systems served exclusively by central office lines, the telephones up to the number of lines are classified as main, telephones in excess of the number of lines are classified as extension. A call director connected to an individual or party line circuit is classified as a main telephone.

[9] NTCA comments, page 8.

point of departure in the carriers' endeavor to establish the required subclasses of account 232. Finally, a more precise definition of the demarcation point will be addressed in a forthcoming Notice of Inquiry concerning Part 68 of our Rules and Regulations.

28. We will now discuss the remaining station connection costs which include those costs for the installation of station apparatus, inside wiring and their related activities. Our Notice [10] essentially addressed these costs in two ways. First, we proposed to expense these costs to account 605, "Repairs of station equipment," and concurrently to allow carriers to perform this activity as a nontelephone operation by accounting for these costs in account 316, "Miscellaneous revenues." The majority of the parties commenting concurred with this proposal's general intent. However, as the comments in the Central Telephone and Utilities Corporation (CTUC) filing indicated our Notice of Proposed Rulemaking did not fully satisfy our own objective of insuring that the causative customers bear the full burden of their costs. The reason given is that under existing ratemaking, the cost, of these activities, whether capitalized or expensed,[11] are assigned to the interstate and intrastate segments via jurisdictional separations. As such, "jurisdictional separations mandate that the causative ratepayer will not bear the full burden of the cost of station connections. Instead, approximately 25% or more of the costs (1979 estimate) will be passed on to the general body of interstate MTS and WATS ratepayers." [12]

29. Moreover, in reviewing the inside wiring costs in isolation (having removed the drop and block wire from consideration), we see a direct correlation between the cost of inside wiring and installation and the cost of the terminal equipment. That is, these costs are dictated and governed by the selection and placement of terminal equipment. Further, service life and location costs are generated and controlled by individual customers' decisions. We were concerned in Docket 20828 "that a carrier should have the same regulatory status marketing CPE as any other equipment vendor, and this should be reflected in our regulatory scheme." [13] We are also concerned that our present proposals may unnecessarily restrict other vendors in a similar type activity.

30. This precise point was raised by the National Telecommunications and Information Administration in its comments in Docket 20828, where it recommended the detariffing of inside wiring as being beneficial and an aid in eliminating the anticompetitive inequity which favors telephone companies in accessing customers. It stated further that this would increase the choice of installation arrangements for customers and the scope of business opportunities for independent suppliers of terminal equipment.

31. In sum, we have carefully and thoroughly reviewed the positions and arguments of all the parties to this proceeding. On the basis of this review, and our own study, we believe that the final answer rests not with accounting changes but rather with the ultimate deregulation of this activity. This is nothing more than a logical extension of the recommendations made by parties, our decision in Docket 20828 and our overall regulatory scheme to introduce competition whenever technological and economic circumstances are conducive to such a change. Nevertheless, it would be inappropriate and premature to order such deregulation without first allowing interested parties to comment, as well as to provide the needed input to the technical and administrative questions yet unanswered.

32. Therefore, we will extend this proceeding by separately issuing a Further Notice of Inquiry and soliciting comments for, among other things, the proposal to deregulate the customer premises portion (inside wiring) of station connections that is currently being capitalized. Further, to the extent applicable, we will request comments on, and consideration of, similar type costs reflected in account 234, "Large private branch exchanges." Also, as our original Notice of Proposed Rulemaking only addressed Part 31 of our rules, we will extend this Further Notice to include those sections of Parts 33, 34 and 35 [14] to the limited extent that they too have similar type costs currently being capitalized in their plant accounts.

33. We are still left with one problem which we believe must be at least partially addressed without having to wait for an ultimate resolution of this issue. That is, the amount capitalized in account 232 is continuing to grow at an extraordinary rate in comparison with growth in other investment categories. This growth, even for a short period of time cannot continue unchecked. Our primary objective in this proceeding emanated from our desire to have these costs borne by the immediate cost causative customer. At first glance, we believed that expensing would accomplish this goal. However, our analysis in this proceeding has indicated that expensing alone would not accomplish this. Rather, it would only assure that the burden was placed on all customers at the time the expenditures were made (as opposed to present and future customers when the costs are capitalized). Expensing, coupled with appropriate tariff action by the state commissions, would, for the most part, impose this cost on the cost causative customer. Thus, while our ultimate goal is to see that this burden is placed on the cost causative customer, the continued strict adherence to full capitalization will continue to permit this problem to grow. This is a situation which we believe is unacceptable.

34. Given the foregoing, it is our opinion that a reasonable step to ameliorate this problem is to require all subject carriers to expense to account 605, "Installations and repairs of station equipment," [15] the inside wiring portion of station connections effective October 1, 1981. However, we believe a single implementation date (flash-cut) could create an excessive burden on some carriers and regulatory agencies. Therefore, we will allow the carriers to phase-in, over a four year period, the expensing of Station connections—inside wiring with a phase-in of 25% between October 1, 1981 and September 30, 1982, 50% between October 1, 1982 and September 30, 1983, 75% between October 1, 1983 and September 30, 1984 and 100% starting October 1, 1984. During the phase-in period, subject carriers adopting this approach will determine the current month's expense for any given year (1981 through 1984) by applying the appropriate percentage rate for that year (as specified above) to the current month's additional investment in inside wiring. The amount so determined will be charged to account 605, with the remainder being capitalized as before. While the phase-in approach will not stop the growth of embedded plant as quickly as the flash-cut approach, it will slow this growth in a controlled manner with ultimate

[10] The Notice originally included expensing of the drop and block wire.

[11] The expenses are recorded in account 605.

[12] CTUC, Comments page 9.

[13] Docket 20828 Final Decision, 77 FCC 2d 384, (1980).

[14] Part 33, *"Uniform System of Accounts for Class C Telephone Companies."*

Part 34, *"Uniform System of Accounts for Radio Telegraph Corriers."*

Part 35, *"Uniform System of Accounts for Wire Telegraph ond Ocean Coble Carriers."*

[15] We are establishing a new account title for account 605, "Installations and repairs of station equipment," because a significant amount of the future costs assigned to this account will be generated by the installation of station equipment.

capping in 1984 unless inside wiring is deregulated sooner. We believe the resulting benefits of a smoothed transition from full capitalization to full expensing under the phase-in approach will significantly outweigh the effects of the limited growth in embedded plant which will occur in the interim. However, we want to allow all carriers and state regulatory agencies as much flexibility as possible in shifting from capitalization to expensing. Hence, for those carriers who feel that a flash-cut approach will not be too disruptive to their operations and who gain state regulatory approval, we will allow them to use a flash-cut approach. Carriers wishing to do so may make such accounting changes retroactive to an earlier date in calendar year 1981.

35. Additionally, as recommended by the majority of the parties commenting on this issue, we believe that the embedded investment in Station connections—inside wiring should be recovered over a ten year period. In adopting the ten-year period, and to insure that the investment is fully recovered over the ten years, we direct subject carriers to use the following amortization schedule. The company shall first determine the net book cost of station connections—inside wiring by subtracting the depreciation reserve attributable to station connections—inside wiring from the book cost of station connections—inside wiring. This net book cost shall be divided by the number of months remaining in the ten year amortization period to determine the appropriate amortization for that month. For example, the amortization amount for the first month will be determined by dividing the net book cost by 120. The second month, the net book cost will be divided by 119, the third month by 118, etc. The accounting for this amortization will be to charge account 608, "Depreciation" with corresponding credits to account 171, "Depreciation reserve." For the purpose of initiating this amortization we will allow carriers to assume that its reserve balance for this subclass is zero. However, if any reserve is identified as applicable to the station connections—inside wiring, as a result of the studies directed in Docket 20188 or through the normal represcription process it will be added to the inside wiring reserve account and should be deducted from the remaining investment to be amortized. The amortization schedule is structured so that the embedded investment on the books up to October 1, 1981 will be fully recovered by October 1, 1991. For carriers who adopt the phase-in approach the additions to investment in inside wiring between October 1, 1981 and September 30, 1982 shall be specifically identified and amortized according to the schedule noted above over ten years with full amortization completed by October 1, 1992. The additions to investment between October 1, 1982 and September 30, 1983 and between October 1, 1983 and September 30, 1984 shall be handled in this same manner. Full amortization on all inside wiring is to be completed by September 30, 1994. In instituting this mechanism, we further direct subject carriers to maintain this information in sufficient detail so that the total credits to account 171, as a result of this order, are readily identifiable and reported annually to this Commission. Further, as the changes discussed herein have significantly altered the recognition of retirements for the inside wiring portion of this account, we amend our Rules and Regulations so as to recognize retirements of station connections—inside wiring embedded investment only in those cases where physical removal, sale, destruction or abandonment takes place. Finally, the depreciation of both past embedded amounts and future capitalized additions to the investment in the "Station connections—other" category will be handled as addressed in Docket 20188.

Accounting for the Replacement of Aerial Drop Wire

36. In the Notice of Proposed Rulemaking we also proposed changes to the currently prescribed accounting for the costs of replacing aerial drop wire with buried or underground drop wire where service discontinuance is not involved. Specifically, we invited comments on whether expense accounting for changing drop and block wires should continue to be prescribed or whether provision should be made for capitalization and retirement accounting only under certain conditions.

37. The current prescribed accounting treatment for these costs calls for the costs to be charged to account 605, "Repairs of station equipment." However, in the case of extensive replacements, as described in § 31.6–64, a company may request permission to defer these costs in account 138, "Extraordinary maintenance and retirements," with subsequent amortization to account 605 over an authorized future period. Concurrent with the establishment of these requirements, the Commission called attention to this accounting anomaly and indicated that possibly the replacement of an entire station connection assembly should be treated as a plant retirement and that the installations of the new station connection should be treated as a new unit of plant. However, since an entire station connection was being infrequently or rarely replaced under such circumstances and considering the advantage of simplicity in the reporting of plant work and changes, expense accounting for these replacements was adopted. We note that several state commissions have allowed, on a case-by-case basis, the capitalization of station connections installed in conversion from aerial to buried plant, and at least one state commission has formally recognized the need for capitalization of replacements of the drop portion of station connections by amending its prescribed system of accounts accordingly.

38. Several of the parties believed that our current provisions were adequate and recommended that we not adopt any further change in this area. The remaining parties took the position that a change was desirable but differed in recommending specifics, i.e. when and what to capitalize. Comments of AT&T noted that, if our proposal to expense all of station connections is adopted, this issue of replacements is moot. It further commented that, if the drop remains capitalized, provisions should be made for capitalization and retirement accounting under certain conditions, based on established regulatory policy regarding betterments.[16] GTE stated that except for unusual replacements, all other replacement costs should be expensed, as they are incurred. Further, when an unusual replacement occurs, provisions should be made for the capitalization and retirement of the appropriate facilities as "plant betterment." Finally, the Public Utilities Commission of the State of California stated that capitalization and retirement accounting should be performed for such replacements, because the drop is likely to continue to be installed by the utility and it is normally used for customers over its life.

39. While some of the parties commented on the need for amending our present rules with regard to the replacement of aerial drop wire with buried or underground drop wire, they did not provide the specific basis upon which such amendments were necessary. That is, the parties did not provide the frequency of occurrences where aerial drops are being replaced with underground or buried drops or the

[16] "Betterment is defined as an activity and expenditure the primary aim of which is to make the property affected more useful, of greater durability, of greater capacity, or more economical in operations." (See AT&T comments p. 43 footnote).

occurrences of replacing an entire station connection assembly. With respect to those occurrences, the additional reporting of plant and work changes required for capitalization and retirement accounting versus expense accounting were likewise missing. Thus we have not been persuaded by the comments and recommendations to amend our present accounting rules. Therefore, we conclude that no change in our accounting requirements is warranted at this time since, apparently, the situation has not changed sufficiently from that upon which we based our adoption of expense accounting for such replacements.

Accounting for Two-Tier and Other Payment Plans

40. In our Notice of Proposed Rulemaking we proposed to amend Part 31 to provide appropriate accounting for several areas relating to terminal equipment offerings. Two-tier and other optional payment plan tariffs provide for a higher rate level to apply during the initial period to recover substantially all of the capital costs of the asset, and a lower rate to apply subsequently for the balance of the contract. Since the period of capital recovery is less than the useful life of the asset, and depreciation under Part 31 is recorded for some time beyond this initial period, a mismatch of revenue and expense occurs. We addressed this problem and proposed the following amendments to Part 31: (1) remove the investment in terminal equipment used in the provision covered by two-tier and other optional payment plan tariffs from the existing depreciation categories; (2) require this investment to be maintained separately; and (3) require that depreciation of this investment be recorded in line with actual capital recovery. Further, we sought comments on the accounting procedures required to safeguard against additional recovery of investment in this equipment from the general body of ratepayers in those instances where an item, the cost of which has been fully recovered, is used again in the provision of service. Because the actual recovery period is a matter of tariff, similar PBX's and other terminal equipment installed at different dates may have different recovery periods according to the applicable tariffs. Therefore, PBX's and other equipment offered under two part tariffs should be subject to a unit plan of depreciation with individually kept reserves (since the matching of revenues and expense will be different for each amortization period, requiring many classes of plant, each with its own reserve). The initial amount of the reserve for plant in service will be determined by adding the debits and credits of the existing group plan, as if it were a unit plan, and transferring that amount from the group reserve to the unit reserve.

41. Comments filed in response to our Notice of Proposed Rulemaking exhibited a noted disagreement among the parties regarding our proposed changes in this regard. The parties that disagreed with our proposals generally favored deferred revenue accounting. Under this method revenues would be spread over the life of the lease, which in many cases closely matches the actual group life depreciation rate. Further, they stated this method negates the requirement for unit depreciation of two-tier terminal equipment offerings. However, several parties recommended that if unit amortization is required, only large PBX and centrex sevice customers should be covered by this ruling. Their rationale was that these customers were easy to identify because of the tariff or contractual commitment, and the investment and associated depreciation could be controlled by a memorandum record.

42. Of the parties that supported the Commission's proposals some recommended a modified approach using Financial Accounting Standards Board Statement Number 13, "Accounting for Leases." Under this Statement, leases, from the standpoint of the lessor, would be classified under established criteria as a sale-type, direct financing, or operating lease. One of the respondents proposed that sales-type and direct financing leases be treated below-the-line, whereas, operating leases would be accounted for above-the-line.

43. All parties stated that under the accounting methods they recommended the ratepayer would be safeguarded against excessive recovery of capital. Those favoring the Commission's proposal indicated that the capital recovery would be matched more closely to the accelerated depreciation rate, whereas the parties favoring deferred revenue accounting maintained the group life depreciation method assured that there would be no excessive capital recovery even if more than one customer used the same equipment.

44. In our Final Decision in Docket 20828, Computer Inquiry II, we ordered that all carrier-provided customer-premise equipment (CPE) be detariffed and removed from the rate base of all carriers no later than March 1, 1982. 77 FCC 2d 384, 496 (1980). In addition, in Computer Inquiry II, 77 FCC 2d at 446, we stated:

> Moreover, once unbundled, CPE should be detariffed because the provision of terminal equipment should be allowed to evolve on a competitive basis. The Communications Act does not subject non-carrier vendors to rate regulation. Yet, if carriers remain subject to tariff regulation when they provide CPE it will be difficult for them to respond in a timely manner to competitive initiatives of non-carrier vendors, because the carriers would be required to comply with various notice and information filing requirements, in addition to lacking flexibility to repond to competitive price initiatives. Thus, detariffing of CPE will allow all equipment vendors to compete on an equal basis in responding to market conditions.

45. In our Reconsideration of the Final Decision in Docket 20828 (Second Computer Inquiry) adopted on October 28, 1980, we established for transition purposes a distinction between new CPE and embedded CPE. The implementation of detariffing of embedded CPE is the subject of a new proceeding to be initiated. Accordingly, we believe, it would be unwise at this time, to impose any accounting changes for two-tier and other optional payment plans, because the detariffing of new CPE is scheduled for implementation on March 1, 1982. Any changes would be short term and would impose an unnecessary burden on the carriers, which would in turn be imposed on the ratepayers.

46. Therefore, we conclude that the amendments proposed in this proceeding with respect to two-tier and optional payment plans are not necessary at present, and that companies should continue to record revenues and expenses under the existing accounting procedures pending further Commission order.

Removal of TPE When Jacks are Already Installed

47. We now address the issue of the disparate treatment between costs and revenues under currently applicable local tariffs, when telephone company provided station equipment (TPE) is removed by the telephone company in those instances when jacks are already installed. We invited specific comments on the accounting treatment to be prescribed for visits to remove the TPE, only in the instance when jacks are already installed and service is not discontinued. Seven parties addressed this issue and all recommended that the cost of this activity be charged to expense account 605, "Repairs of station equipment."

48. In 1978, the Commission approved (Common Carrier Bureau Letter to AT&T, dated 3/18/78) the expensing to account 605 of costs incurred in removing telephone company provided

station equipment (TPE) from customer premises, when replaced with customer provided equipment, including the cost of installing jacks, and related travel costs where service discontinuance was not involved. We noted that this change in accounting attempts to match revenues and costs and to charge the causative ratepayers for these costs.

49. Under the present provision of § 31.232, Note C, the cost incurred for removing TPE, except when done as part of a replacement or an inside move, is considered a cost of removal and recorded as a charge against the depreciation reserve account. In examining this issue of removing a TPE where service is not discontinued, and in light of other actions taken herein, we find no substantial reason to treat the accounting differently from that in our findings in 1978 (Common Carrier Bureau Letter to AT&T, dated 3/18/78). Accordingly, in order to correct the inequity, and the existing dichotomy that relates to the accounting for removal of TPE, we revise our present accounting rules so that the costs of all visits to remove TPE must be charged to expense account 605.

50. In our studies we have observed that various telephone companies have offered incentives or are considering offering to customers a credit of a flat amount when the customer returns a telephone set to a company's designated location in cases where service is not discontinued. It is obvious that these incentives were initiated to encourage the customer to perform the work that a company employee may otherwise be required to do. In this light, the credits are merely a substitute for the telephone company's costs. Since we have already determined that the cost of all visits required to recover a TPE should be expensed, it follows then that the above incentives instituted by the telephone companies are nothing more than a substitute to reduce their costs and should also be recognized as an expense chargeable to account 605.

51. For the foregoing reasons, there is no clear basis for perpetuating the present accounting for refunds on telephone sets, or the costs of visits to remove a TPE where discontinuance of service is not incurred. Therefore, we revise Part 31, § 31.605, to reflect the expensing of the above mentioned activities.

Sale of Telephone Sets and Inside Wire; Repair of CPE

52. In our Notice of Proposed Rulemaking we sought comments on our proposed accounting treatment for the sale of telephone sets, and inside wire and the provision of repair service on customer provided equipment. The present provisions of Part 31 provide for two possibilities to record the sale of telephone plant. The first provision covers sales of telephone plant sold without traffic, wherein § 31.171(b) provides for the proceeds from these sales to be treated as salvage with no gain or loss recognized on the sale. The second provision covers plant sold with traffic. Section 31.2–25(g)[17] recognizes gains or losses on plant sold with traffic as extraordinary income and credits a gain on the sale to account 360, "Extraordinary income credits," or if there is a loss on the sale it is charged to account 370, "Extraordinary income charges." However, neither of these provisions adequately provide a means of reviewing separately the financial impact of telephone companies selling new terminal equipment[18] or repairing customer provided equipment.

53. Our proposal was to account for sales of new telephone sets, decorator housings, new station connections, and the provision of repair service on customer provided equipment as non-telephone operations. We proposed that separate subaccounts of account 122, "Material and supplies," be established to record the cost of merchandise held for sale or for use in repair service on customer provided equipment. In addition, Account 316, "Miscellaneous income," would be expanded so that revenue and expenses associated with these operations would be separately accounted for.

54. Part 31 of our Rules was adopted in a period when telephone service was considered and thus provided as an end-to-end service. There was little if any consideration given to the sale of telephone equipment to the end user of this service. Rather, sales generally occurred only when plant was scrapped or transferred from one carrier to another. However, with the release of our *Carterfone* decision (*Carterfone,* 13 FCC 2d 420 (1968)), this Commission embarked upon a policy of permitting and facilitating competition in the terminal equipment market. Furthermore, the majority of our decisions affecting terminal equipment, up to this year, have been directed at removing tariff provisions that restricted a customer's use of non-carrier provided equipment. Also, because of the competition in the terminal equipment market and the potential loss of revenue to the carriers, some of the independent telephone companies started to sell telephones.[19] In this emerging competitive environment, we became concerned that Part 31 of our Rules did not appropriately account for these types of sales activities. Further, we questioned whether or not these sales should be accounted for as a non-telephone (non-utility) operation. These concerns led to our proposal for the revisions to Part 31 in this proceeding.

55. The majority of the parties agreed with our proposed accounting for the sale of new telephone sets and the repair of customer provided equipment. As noted by GTE[20]:

> GTE is in basic agreement with the provisions in Paragraph 10 of the Notice pertaining to below-the-line accounting treatment for sales of new telephones, inside wire, and repairs to customer owned equipment (CPE) and the Commission recognition of the requirement for establishing clearly identifiable parameters to keep non-telephone (nonutility) operations separate from telephone utility operations.

AT&T, on the other hand, noted in its comments that "While such sales may not be required to be so regulated, such sales certainly can be regulated as a common carrier activity."[21]

56. Our decision in Docket 20828 (77 FCC 2d at 447) requires:

> The separation of CPE from common carrier offerings and its resulting deregulation will provide carriers the flexibility to compete in the marketplace on the same basis as any other equipment vendor.

Thus, the deregulation of CPE means by definition that effective March 1, 1982, all sales of new terminal equipment will be accounted for as non-telephone operations which requires the use of below-the-line accounts for all carriers except AT&T. AT&T will be required to establish a separate subsidiary to engage in such sales.

57. Therefore, with the basic policy questions concerning the sale of terminal equipment answered in Docket 20828, we are left with these issues: (1) how to account for the sale of in-place terminal equipment and inside wire; (2) how to account for the sale of new terminal equipment; (3) how to account for the sale of new inside wire; and (4) how to account for the repair of customer provided equipment.[22]

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[17] This provision must be viewed in context of our decision in Docket 19129 wherein we ruled that all gains or losses realized from property sold from or previously included in a rate base account shall accrue to the ratepayers. Docket 19129, 64 FCC 2d. at 68.

[18] We will define new terminal equipment as that which has not previously been recorded in a rate base account.

[19] For example, it is our understanding that Continental Telephone presently sells telephones.

[20] See GTE comments, page 21.

[21] See AT&T comments, page 23.

[22] Because the second and fourth issues are new areas for the majority of the carriers and will be

Continued

58. For sets, connections or inside wiring sold in place the proposal was to establish separate subaccounts of account 675, "Other expenses" and account 526, "Other operating revenues" which would record the sale as telephone operations. To develop a cost for used telephones, drop and block wire and protector and inside wiring our proposal was to use the average cost per telephone or per jack and deduct this from the appropriate plant account. To calculate the applicable depreciation reserve the proposal suggested using the average depreciation reserve per telephone (calculated by adding debits and credits year by year). This reserve would be subtracted from the average book costs to develop average net book costs.

59. The majority of the parties did not agree with our proposal on recording these sales. Most of the parties favored recording these sales according to § 31.171(b) of our Rules where revenue from the sale of depreciable telephone plant is treated as salvage and credited to account 171, "Depreciation reserve." As noted by GTE [23]:

> The overriding intent of any such sales activity (in-place terminal equipment an[d] inside wires) would be capital recovery and not a separate new business which would recognize revenues and cost of sales.

60. When we released our proposal to account for the sale of sets, connections, or inside wiring sold in place we had not reached a decision in Docket 20828. With the release of this decision there is no doubt that the situation has drastically changed and many new issues concerning this area have now been raised. Recognizing this we stated in Docket 20828 our intent to initiate a proceeding to examine this area and its interrelated issues. Thus, it would be premature and inappropriate to adopt definitions and final accounting changes without the benefit and guidance of this further proceeding. Therefore, we will defer our consideration of these issues to our decision in that new proceeding.

61. However, in the interim, knowing that some states have authorized or are considering authorizing the sale of in-place sets, we feel that tariff changes required because of these sale should remain under the jurisdiction of the states. Further, we feel that our present accounting rules can adequately address these sales pending the completion of transitional activities (Docket 20828) can provide cost information that this Commission and the state commissions require to fulfill their respective responsibilities.

62. The sale of in-place inside wire poses a somewhat different problem. Section 31.232(d) provides for the retirement of a station connection only if the station associated with that connection is physically removed and service discontinued. While we do not envision a major market developing for the in-place inside wiring or that any significant financial impact will result from these sales we do believe that the sale of such wiring would present consumers with an additional option they may not presently enjoy. Thus, to the extent that state commissions desire to test this market, it is prudent for this Commission to adopt changes to Part 31 of our Rules which will provide appropriate accounting for such tests.[24]

63. Finally, since we are separately expanding our present proceeding to address the possibility of deregulating customer premise inside-wiring including its repair and maintenance, we will postpone final consideration of any other changes in the accounting for the sale of such activity until we have the benefit of further comments.

64. Having resolved the question of whether the sale of new terminal equipment, including its repair should be accounted for below-the-line we now consider the accounting for these sales. We proposed the use of account 316, "Miscellaneous income" for revenue and expenses and account 122, "Material and supplies" for inventory. All of the parties that responded favorably to below-the-line accounting agreed with our proposal for the use of account 316. Therefore, we see no reason to change our proposal and require that all revenues and all expenses associated with the sale of new terminal equipment be recorded in account 316, "Miscellaneous income." We expect account 316 to be divided into a sufficient number of subaccounts that will allow the sales activities to be auditable.

65. Our Notice proposed that a separate subaccount of account 122, "Material and supplies" be used to record the cost of merchandise held for sale or for use in repair service on customer provided equipment. However, upon reconsideration of our proposal we believe a minor change is warranted. Considering the fact that the majority of account 122 is used in the rate base [25] there is a potential for material held for sale to be charged to a wrong sub-account and appear as a cost included in the rate base. Further, since subaccounts of account 122 are not routinely reported to this Commission we would be unable to review the movement of material held for sale in this account without requesting a special study by the carriers or mandating further changes in our reporting requirements. We would be better able to monitor the activity in the inventory account if we were to establish a new account that will be used solely to record the cost of merchandise held for sale or for material for use in the repair of customer provided equipment. Thus we establish a new account, account 124, "Merchandise and material held for sale," and require applicable taxes related to this account to be charged to account 327, "Other non-operating taxes."

66. We are convinced that we have not changed our original proposal in any significant manner while we have achieved a better separation of the telephone and non-telephone operations. This will enable us to review better the sales operation and also allow us more assurance that there is less opportunity for cross-subsidization.

67. In our decision in Docket 20828 we required that AT&T handle sales of terminal equipment through a separate subsidiary.[26] This requirement is intended to, and should, minimize the possibility that monopoly ratepayers will subsidize competitive terminal equipment offerings. We established as an effective date for the creation of this separate subsidiary March 1, 1982. We established an interim period to allow AT&T sufficient lead time to establish the separate subsidiary and organize its sales efforts. In order that we continue to allow AT&T this lead time we will allow it to use the accounting established in this docket to record the sale of new terminal equipment adopted above during the transition period. However, AT&T will be required to transfer activities relating to the sale of new CPE to the separate subsidiary or subsidiaries on or before March 1, 1982.

68. In the notice of Proposed Rulemaking we solicited specific comments relating to the costing procedures to be used to ensure that both direct and overhead cost of equipment sold, as well as repair charges, are borne by the causative ratepayer. We were especially interested in insuring that no cost

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deregulated under Docket 20828 we will consider them as one for accounting purposes. That is, we will prescribe the same accounting treatment for each item.

[23] GTE Reply comments, page 13.

[24] See appendix for changes to § 31.232 of our rules to account for these sales.

[25] See Docket 19129, 64 FCC 2d at 75.

[26] See Docket 20828, 77 FCC 2d at 483; Memorandum Opinion and Order, Docket 20828 (Recon.) 46 FR 5984.

properly associated with the sales or repair operations is borne by subscribers who continue to lease their equipment and that sales operation costs not directly assignable to either telephone or non-telephone operations are equitably apportioned between them.

69. The majority of the comments in this area were vague and provided us with little guidance. We had anticipated comments that would have assisted us in developing reasonable guidelines that would have been used by all carriers to assign overhead cost of the sales activity. Some of the commenting parties indicated that their own internal cost accounting systems would allow them to assign overhead cost to sales. However, their responses gave no details about their systems nor did the responses demonstrate that their systems were flexible enough to be adopted by other carriers. AT&T even proposed that no overhead cost be assigned to the sales activity. The assignment of all appropriate cost to all services has been a goal of the Commission for many years. In Docket No. 18128 we reviewed many costing methods but determined that only a methodology designed to cover the full recorded cost of operations would constitute a proper standard. 61 FCC 2d 587 (1976). Our desire for all services to reflect their fully distributed cost was refined somewhat in our Notice of Proposed Rulemaking in Docket 79-245, 45 FR 46121.

70. We remain committed to the theory that fully distributed costs reflect the cost of each service of a carrier. Therefore, we will continue to require that allocations be made on a fully distributed basis so that all services will be assigned a fair share of their overhead cost. Therefore, we require that all sales activities bear the full cost associated with the sales or repair operations and all overhead cost not directly assignable to either telephone or non-telephone operations be equitably apportioned between them. Beyond this we will not attempt to prescribe any further constraints for distributing cost at this time. We would emphasize, however, that this decision does not contain a blanket approval for any improper pricing of services or equipment. The burden remains upon all carriers to provide any necessary cost support in a precise, logical, verifiable and understandable fashion. Failure to meet this burden may constitute grounds for disallowance of such cost in appropriate cases.

V. Ordering Clauses

71. It is ordered that, under authority contained in Sections 4(i), 4(j) and 220 of the Communications Act of 1934, as amended, Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies of the Commission's Rules is amended as set forth in the attached Appendix to be effective Oct. 1, 1981, provided, however, any company desiring to, may make such accounting changes retroactive to an earlier date in calendar year 1981.

72. It is further ordered that, the Secretary shall cause a copy of this Report And Order to be published in the **Federal Register.**

(Secs. 1, 2, 4, 201–205, 208, 215, 218, 220, 313, 314, 403, 404, 410, 602; 48 Stat as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. Section 31.01–03 is amended by revising paragraph (ee) to read as follows:

§ 31.01-3 Definitions.

* * * * *

(ee) "Service value" means the difference between the original cost and the net salvage as defined in paragraph (u) of this section.

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2. Section 31.02–80 is amended by revising paragraph (c) to read as follows:

§ 31.02-80 Computation of depreciation rate.

* * * * *

(c) The company shall keep such records of property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service life indications by mortality, turnover, or other appropriate methods, and also such records as will reflect the percentage of salvage value, or net salvage value, as appropriate, for property retired from each class of depreciable plant. Further, the station connections—inside wiring subclass of account 232 will be amortized according to the schedule noted in account 232 (b). (See also accounts 605 and 232 for the accounting for costs incurred in the disconnection and removal of station apparatus.)

3. Section 31.02–82 is amended by redesignating and revising the existing note as Note A and adding a new Note B to read as follows:

§ 31.02-82 Classes of depreciable telephone plant.

* * * * *

Note A.—When depreciable plant carried in account 276, "Telephone plant acquired," is distributed to the appropriate plant accounts, adjusting entries shall be made covering the depreciation charges applicable to such plant for the period during which it was carried in account 276.

Note B.—The investment in account 232 shall be maintained in two separate subclasses, "Station connections—inside wiring" and "Station connections—other" (drop, block and protector portion). Depreciation of Station connections—other and the amortization of Station connections—inside wiring shall be maintained in separate subclasses of account 171, "Depreciation reserve."

4. Section 31.122 is amended by revising Note E to read as follows:

§ 31.122 Material and supplies.

* * * * *

Note E.—This account shall not include items in stock which are includible in account 231, "Station apparatus" or account 124, "Merchandise and material held for sale." Materials in stock that are normally used for station apparatus repair purposes shall be included in account 605, "Installations and repairs of station equipment," if company-held, and in this account if in stock and held by others.

5. Section 31.124 is added to read as follows:

§ 31.124 Merchandise and material held for sale.

This acount shall include the cost of all station equipment purchased for resale and the cost of material and supplies held for use in the provision of repair service on customer provided equipment. (Note account 231.) The cost shall include applicable transportation charges, sale and use taxes, cash and other purchase discounts. Inventory shortages and overages shall be charged and credited, respectively, to account 316.

Note.—The cost of material used to install and connect station apparatus shall be charged to account 316, "Miscellaneous income."

6. Section 31.231 is amended to revise paragraph (a) and Note A to read as follows:

§ 31.231 Station apparatus.

(a) This account shall include the original cost of station apparatus,

including small private branch exchanges and booths, installed either for customers' or the company's use. This account shall also include the cost of materials in stock which are normally used as station apparatus or additions thereto, except for items purchased for sale, as distinguished from items normally used for repair purposes. (Note account 124.) Items included in this account which are normally used as station apparatus shall remain herein until finally disposed of or until in such manner as to be includible in other accounts.

* * * * *

Note A.—The cost of installation (including cabling, station protectors, and wiring) shall be charged to account 232, "Station connections" and/or account 605, "Installations and repairs of station equipment," as appropriate.

* * * * *

7. Section 31.232 is amended by revising paragraphs (b), (c), (d) and Notes A and C, and adding new Notes D and E to read as follows:

§ 31.232 Station connections.

* * * * *

(b) Effective no later than later than October 1, 1981, this account shall be separated into two subclasses, "Station connections—inside wiring" and "Station connections—other." The investment in station connections—inside wiring is to be amortized to account 608, "Depreciation," with a corresponding credit to account 171, "Depreciation reserve," over a ten year period commencing no later than October 1, 1981. In calculating this amortization, the company shall first determine the net book cost of station connections—inside wiring by subtracting the depreciation reserve attributable to station connections—inside wiring from the book cost of station connections—inside wiring. This net book cost shall be divided by the number of months remaining in the ten year amortization period to determine the appropriate amortization for that month. For example, the amortization amount for the first month will be determined by dividing the net book cost by 120. The second month, the net book cost will be divided by 119, the third month by 118, etc. Carriers are to assume that the first month's reserve balance for this subclass is zero. However, if from the studies required by Docket 20188 or the results of the represcription process any reserve is identified as applicable to the station connections—inside wiring, it will be added to the inside wiring reserve and should be deducted from the remaining investment to be amortized. Also, the amounts resulting from the amortization schedule should not be considered in the determination of the separate reserves established for each category of plant. The embedded investment on the books up to October 1, 1981, will be fully recovered by October 1, 1991. For carriers who adopt the phase-in approach, the growth in investment in inside wiring between October 1, 1981, and September 30, 1982, shall be specifically identified and amortized according to the schedule noted above over ten years with full amortization completed by October 1, 1992. The growth in investment between October 1, 1982, and September 30, 1983 and between October 1, 1983, and September 30, 1984, shall be handled in the same manner with full amortization on all inside wiring completed by September 30, 1994. Under no circumstances shall the cumulative amortization credits to account 171 exceed the balance of the investment for station connections—inside wiring. The station connections—other subclass will be depreciated in accordance with § 31.02–80.

(c) Effective no later than October 1, 1981, for carriers who select a phase-in approach, when a station apparatus is installed except as part of a replacement or an inside move, the cost of the inside wiring portion of the installation cost shall be charged to this account (subclass inside wiring) on the following basis: 75% between October 1, 1981, and September 30, 1982; 50% between October 1, 1982, and September 30, 1983; 25% between October 1, 1983, and September 30, 1984; and 0% after September 30, 1984. The remaining cost not chargeable to this account shall be charged to the appropriate subaccount of account 605. Effective no later than October 1, 1981, for carriers who select a flash-cut approach, the otherwise capitalizable amount chargeable to the station connections—inside wiring subclass shall be expensed to the appropriate subaccount of account 605.

(d) When a station connection—inside wiring is physically removed, sold, destroyed, or abandoned, the original cost (actual or estimated average unit cost) carried in this account shall be credited hereto and charged to account 171, "Depreciation reserve"; or if a separate depreciation reserve account or accounts are established for station connections, the debit entry shall be made to the appropriate depreciation reserve account.

* * * * *

Note A.—Costs charged to this account prior to October 1, 1981, in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing equipment includible in account 234, "Large private branch exchanges," shall be included in that account and shall be included in whole or in part in account 232. The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242.1, "Aerial cable."

* * * * *

Note C.—Provision denials of service to stations for nonpayment shall not be treated as stations disconnected unless the denials become final. Similarly, restoration of service to such stations subjected to provisional denials which have not become final shall not be treated as stations reconnected. The cost of disconnecting and reconnecting customers' lines at customers' premises to effect such provisional denials and restorations shall be charged to account 605, "Installations and repairs of station equipment." If the disconnection and reconnection are made in central offices, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

Note D.—Any company so desiring may make the above revisions retroactive to an earlier date in calendar year 1981.

Note E.—Effective October 1, 1981, to the extent applicable, the items shown above shall be charged to account 605, "Installations and repairs of station equipment."

8. Section 31.242:1 is amended by revising Note A to read as follows:

§ 31.242:1 Aerial cable.

* * * * *

Note A.—House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from terminal boxes of house cables to subscribers' stations which are included in account 232 or account 605 (effective October 1, 1981), or the cables for subscribers' private branch exchange switchboards which are included in account 232 or account 605 (effective October 1, 1981) or account 234, as appropriate.

9. Section 31.242:2 is amended to revise Notes B and D to read as follows:

§ 31.242:2 Underground cable.

* * * * *

Note B.—The cost of small cables used in station installations is included in account 232 or account 605 (effective October 1, 1981). However, the cost of small cables used as drop wires shall be charged to account 232.

* * * * *

Note D.—House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from terminal boxes of house cables to subscribers' stations which are included in account 232 or account 605, or the cables for subscribers' private branch exchange switchboards which are included in account

232, account 605 or account 234, as appropriate.

10. Section 31.244 is amended to revise Note B to read as follows:

§ 31.244 Underground conduit.

* * * * *

Note B.—The cost of pipes or other protective covering for underground drop and block wires shall be charged to account 232. However, the cost of pipes or other protective covering for inside wiring shall be charged to account 232 or account 605 (effective October 1, 1981).

11. Section 31.316 is revised to read as follows:

§ 31.316 Miscellaneous income.

(a) This account shall include in separate subaccounts revenues from and the cost of and expenses (direct and indirect) associated with the sale and installation of equipment and material initially includible in account 124, "Merchandise and material held for sale." It shall also include in separate subaccounts revenues and expenses associated with the provision of repair service on customer provided equipment.

(b) This account shall also include all other items not provided for elsewhere, properly creditable to income.

Items

(Note § 31.01–8)

Fees collected in connection with the exchange of coupon bonds for registered bonds.

Profits from the telephone operations of other companies realized by the company under contract.

Profits realized from customer work performed for others not incident to the company's telephone operations.

Profits realized on the same of temporary cash investments.

Note.—Taxes applicable to account 124 shall be charged to account 327, "Other nonoperating taxes."

12. Section 31.327 is amended by revising paragraph (b) to read as follows:

§ 31.327 Other nonoperating taxes.

* * * * *

(b) This account shall also include taxes on merchandise and material held for sale, miscellaneous physical property, taxes on wages not applicable to operations or construction and all other taxes not provided for elsewhere. (Note §§ 31.2–22(b)(8), 31.124, 31.179, 31.304, 31.307, 31.326, 31,380, 31.402 and 31.413.)

13. Section 31.6–61 is amended by revising paragraph (a), redesignating paragraph (b) as (d) and adding new paragraphs (b) and (c). Accordingly, § 31.6–61 is revised to read as follows:

§ 31.6–61 Cost of repairs.

(a) The cost of repairs chargeable to the various operating expense and clearing accounts includes: Inspecting, testing and reporting on the condition of telephone plant to determine the need for repairs, replacements, rearrangements and changes; testing for, locating and clearing trouble; routine work (note also paragraph (d) of this section) to prevent trouble, such as pulling up slack, tightening guys and raking guy stubs, trimming trees, straightening poles and crossarms, and cleaning and adjusting equipment; replacing minor items of telephone plant (note also § 31.2–25); rearranging and changing the location of property not retired; repairing material for reuse; restoring the condition of property damaged by storms, floods, fire or other casualties (note also paragraph (d) of this section); training employees for maintenance work; inspecting and testing after repairs have been made; and an equitable proportion of the cost of local plant administration, general plant supervision and engineering.

(b) The cost of repairs also includes expenses associated with the provision of repair services on customer owned telecommunications equipment. (Note also account 316.)

(c) The cost of repairs also includes the cost of installing, connecting, disconnecting, and removing station apparatus and station connection—inside wiring. (Note also accounts 231 and 605.)

(d) The cost of repairs does not include the cost of replacing items of property designated as "retirement units." (Note also Section 31.2–25.)

14. Section 31.6–64 is revised to read as follows:

§ 31.6–64 Extensive replacements.

When it becomes necessary to replace the majority of station apparatus, inside wires, or drop and block wires, in any given central office district, together with any number of such items in contiguous districts, the cost of the replacements chargeable to account 605, "Installations and repairs of station equipment," if so authorized by this Commission upon application to it, shall be charged to account 138, "Extraordinary maintenance and retirements," and cleared to account 605 over the period specified in the authority.

15. In § 31.6–65 under "Accounts for Class A companies" and "Accounts for Class B companies," the account title for Account 605 is revised to read as follows: "605 Installations and repairs of station equipment."

§ 31.6–65 Operating expense accounts to be maintained.

* * * * *

Accounts for Class A Companies

* * * * *

605 Installations and repairs of station equipment

* * * * *

Accounts for Class B Companies

* * * * *

605 Installations and repairs of station equipment

16. Section 31.605 is amended to revise paragraphs (a) and (b) and add new paragraphs (c) and (d) and revise the items list and Notes A and B to read as follows:

§ 31.605 Installations and repairs of station equipment.

(a) This account shall include the cost of installing items of station apparatus (including in account 231) and the cost of inside wiring under either the phase-in or flash-cut approach. Under the phase-in approach this installation activity shall be charged to this account on the following basis: 25% between October 1, 1981, and September 30, 1982; 50% between October 1, 1982, and September 30, 1983; 75% between October 1, 1983, and September 30, 1984; and 100% after September 30, 1984. Under the flash-cut approach all costs of this installation activity shall be charged to this account. Carriers shall maintain the cost of installing items of station apparatus (included in account 231) and the cost of inside wiring under either of the above approaches in a separate subaccount. This account shall also include the cost of reconnecting customers' lines at customers' premises (notes also account 232 and account 316).

(b) This account shall include also the costs of repairing station apparatus, station connections, and large private branch exchanges. It shall also include the cost of replacing station apparatus (excluding the cost of material other than repair parts and material in account 124) and the cost of replacing station connections.

(c) This account shall include also the cost of disconnecting or removing station apparatus and inside wiring.

(d) This account shall include also amortization of costs of extensive replacements of station apparatus, inside wires, and drop and block wires, which under conditions provided in § 31.6–64 have been included in account 138, "Extraordinary maintenance and retirements."

Items

(Note § 31.01–08)

The wires (or small cables) extending from the point of connection with (1) terminal boxes of house cables or (2) protectors or other terminating devices of service wires to station apparatus or customers' terminal equipment.

The wires (or small cables) used to connect station apparatus in the same building, such as main stations and extension stations, and stations of intercommunicating systems.

The wires (or small cables) used to connect small private branch exchange switchboards or their distributing frames (or equivalent distributing panels) with terminal stations in the same building.

The wires (or small cables) used to connect the various parts of a small private branch exchange, such as the cables or wires from distributing frames (or equivalent distributing panels) to switchboards.

The wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a small private branch exchange to the point of connection with the permanent or service wires.

Connecting blocks, jacks, ground wires, station protectors, clamps, cleats, nails, screws, and other material used in the installation of station apparatus and inside wiring.

Labor and other costs incurred in connection with station apparatus and wiring installations or additions thereto.

Brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes and other material.

Changing inside wiring and service wires.

Changing type of telephone, such as from nondial to dial or from one color to another.

Cleaning station apparatus and large private branch exchange equipment.

Connecting or installing station apparatus.

Disconnecting customers' lines at customers' premises. If the disconnection is made in a central office, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

Disconnecting or removing station apparatus.

House service for public telephones.

Inspecting, testing, and reporting on condition of equipment to determine the need for repairs and replacements. (See also account 603.)

Material normally used as repair parts for station apparatus.

Moves or relocations of items of station apparatus.

Number plate changes.

Plant assignment and related clerical work (e.g., assigning plant facilities, service order dispatch, service order final completion, and assignment record administrative work).

Reconnecting customers' lines at customers' premises. If the reconnecting is made in a central office, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

Removing inside wiring.

Removing sediment from and cleaning batteries.

Repainting and other repairs to booths, except those owned by others.

Repairing used station equipment for reuse.

Replacing defective station apparatus.

Replacing dry-cell batteries.

Replacing minor items of large private branch exchanges, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.)

Replacing one small private branch exchange with another.

Supply expense applicable to station apparatus being reused.

Testing for, locating and clearing trouble in station apparatus and large private branch exchanges. (See also account 603.)

Note A.—Costs chargeable to this account in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those that run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing equipment includible in account 234, "Large private branch exchanges," shall be included in that account. The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242.1, "Aerial cable."

Note B.—Amounts charged customers for moves and changes of station apparatus and large private branch exchanges shall be credited to account 500 or to other revenue accounts appropriate for the class of service involved.

17. Section 31.608 is revised to read as follows:

§ 31.608 Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable telephone plant, except amounts chargeable to clearing accounts. The depreciation charges shall be made in accordance with §§ 31.02–80 to 31.02–82 and 31.2–23(c). This account shall also include the amount of amortization charges applicable to the accounting period for the amortization of the inside wiring portion of station connections in a separate subaccount. (Note account 232 for amortization schedule; note accounts 315 and 174 for depreciation of miscellaneous physical property.)

Dissenting Statement of Acting Chairman Robert E. Lee

In re: Deregulation of Customer Premises Inside Wiring

[CC Docket No. 79–105]

Capital recovery is one of the most complex and important areas the Commission must deal with in our common carrier regulatory scheme. Our concerns in this area relate not only to the impacts of new technologies but also to our past practices. Regardless of whatever direction we take in this area, substantial rate effects are likely to take place.

I am dissenting to the action the Commission is taking today on the basis that the piecemeal approach we are taking may, in the long run, create more burdens on the regulated entities and our fellow state Commissioners than a consolidated approach. Specifically at this time we are facing new depreciation practices in terminal equipment, the equal life group process, and the remaining life schedules. Each of these proceedings may result in rule modifications that will have substantial rate and service impacts. I believe the better policy would be to deal with all of these proceedings at one time so that the totality of the changes could be addressed and appropriate relief be granted.

I am very concerned that in this effort the Commission is instituting an "accounting change" which will not affect all telephone companies. Moreover, because the decision permits either a flash cut or a phase-in, at least three different accounting treatments for station connections may occur in a single jurisdiction. This confusion, I do not believe, necessarily comports with the public interest.

I am further concerned that the $21 billion estimated revenue requirement increase from this action alone may not be recovered through local rate proceedings, or, more importantly, the burdens may be shifted onto individual classes of subscribers. I am also concerned that the phase-in approach in the third year will result in approximately equivalent revenue requirement increases as a flash cut and in the fourth year will be substantially more than would occur under the flash cut approach. While I understand my colleagues' desire to minimize immediate rate impacts, I believe that we may be contributing to greater impacts than we are aware of. This is even more true where telephone companies will be required to go in on a yearly basis to phase in their expensing of inside wiring. This additional cost has not been calculated.

The ultimate conclusion the Commission reached today may in the long run be the correct conclusion. My opposition is based on my belief that all of these capital recovery items should be addressed at one time, that all companies should be treated in a similar manner, and finally that we can be assured that the additional revenue requirement burden is properly shared, or allocated, to the proper class of ratepayer.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's Rules and Regulations with Respect to Accounting for Station Connections, Optional Payment Plan Revenues and Related Capital Costs, Customer Provided Equipment and Sale of Terminal Equipment.

The Public interest is well-served by the Commission's decision to permit carriers to phase-in, over a four-year period, the expensing of inside wiring. It is imperative that telephone companies stop the continued

capitalization of the costs of inside wiring. However, as I have indicated previously, to require all carriers to expense inside wiring on an immediate, or "flash-cut" basis, would prove overly burdensome for telephone companies, particularly the smaller ones; for the state commissions; and ultimately, for the consumer.[27] The Commission's decision properly permits carriers and state commissions to retain the flexibility required in order to implement expensing in a fashion designed to minimize its impact on consumers. As a consequence, those carriers preferring to expense inside wiring immediately will still be permitted to do so.

The primary advantage of the four-year phase-in of inside wiring expensing is that it allows state commissions and local telephone companies to implement expensing on a gradual basis and, thereby, avoid marked increases in local rates. The flash-cut approach, on the other hand, does not have this advantage. If mandated across the board, the "flash-cut" approach would require that the states absorb a $2.6 billion additional revenue requirement in year one, while the phase-in approach would only require that they absorb a $0.3 billion additional revenue requirement in year one—a $2.3 billion difference. Admittedly, over a twenty-year period the phase-in approach would result in $3.4 billion more in revenue requirement than would the flash-cut approach due to the increased carrying charges. However, the effect of this $3.4 billion requirement spread over twenty years would be far less disruptive than would the additional $2.3 billion required in year one by the flash-cut approach. Faced with the large and immediate revenue requirement which would be created by mandating that carriers "flash-cut" inside wiring costs, many local telephone companies and state commissions would be forced to institute massive local rate increases as well as go to the expense of costly, drawn-out and acrimonious regulatory hearings. Such a result is clearly not in the public interest.

Another advantage of the phase-in approach is that although it would result in a higher revenue requirement in year four, by that time the states and the telephone companies will have had adequate opportunity to plan for this increase. Additionally, by this time the companies and the states will have had an opportunity to adjust for the impact of the deregulation of customer premises equipment, the resale of MTS/WATS, the implementation of new access charges, and changes in depreciation. Moreover, in the long run, the revenue requirement of the phase-in approach would become negative in year 13, only two years later than would the flash-cut approach.

The final advantage of permitting those carriers which might wish to phase-in the expensing of inside wiring over a four-year period, is that the ultimate decision is left where it belongs—with the local carrier and the state commission. The problem of the extraordinary increase in the amount capitalized in Account 232 is, in the end, an intrastate one. Therefore, the decision as to how the expensing of inside wiring may be best implemented is most appropriately decided on the intrastate level.

[27] Concurring Statement of Commissioner Joseph R. Fogarty, Amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, (released November 6, 1980).

[FR Doc. 81-9786 Filed 3-30-81: 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1002, 1138, and 1311

[Ex Parte No. MC-143]

Owner-Operator Food Transportation

Decided: March 20, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: This document contains final rules which implement the post-licensing conditions in sections 5(a)(3) and 10(a)(2) of the Motor Carrier Act of 1980. These sections, which amend respectively 49 U.S.C. 10922 and 10923(b), enable owner-operators to obtain operating authority from the Commission to transport food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), argicultural limestone and fertilizers, and other soil conditioners, through a fitness only application procedure. The Commission in this document (1) provides guidance as to what constitutes an "emergency situation," (2) adopts an annual reporting requirement and form, (3) establishes simplified rate filings provisions, and (4) establishes a reduced filing fee for owner-operators seeking authority under those provisions. The final rules will be made effective March 31, 1981.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Ombudsman's Office (202) 275-7440, Howell I. Sporn (202) 275-7575, Edward E. Guthrie (202) 275-7691.

SUPPLEMENTARY INFORMATION:

Sections 5(a)(3) and (10)(a)(2) of the Motor Carrier Act of 1980, enacted July 1, 1980, provide an exception from the licensing provisions generally applicable to applicants for certificates and permits. The legislation requires only that the Commission find the owner-operator applicants fit, willing, and able properly to perform the operations described in the statutory provisions.

Congress imposed certain post-licensing requirements and conditions for owner-operators transporting regulated commodities under those provisions. To summarize, the Commission has been directed by the Congress to:

(1) provide guidance to owner-operators as to what constitutes an "emergency situation." Report of the House Committee on Public Works and Transportation, H.R. Rep. No. 6418, 96th Cong., 2d Sess., as amended, June 3, 1980, p. 17 (House Report);

(2) establish streamlined and simplified rate filing requirements for owner-operators. 49 U.S.C. 10762(g);

(3) direct owner-operators transporting commodities under section 10922(b)(4)(E) or 10923(b)(5)(A) to file only minimum rates unless we find that filing of actual rates is required by the public interest. 49 U.S.C. 10762(a)(1); and

(4) establish a streamlined and simplified annual reporting requirement to ensure compliance with the statutory provisions. 49 U.S.C. 11145(c).

On September 16, 1980, we instituted this proceeding by issuing a notice of proposed rulemaking at 132 M.C.C. 114, and 45 FR 61337. In the notice we proposed regulations to satisfy our congressional mandate, and also proposed that no filing fee be required for owner-operator fitness only applications.

Procedural Matters

The rules adopted in this proceeding will be effective March 31, 1981.

Under section 553(d)(3) of the Administrative Procedure Act [5 U.S.C. 553(d)(3)], an agency may deviate from the normal 30-day period before rules promulgated by the agency become effective "for good cause found and published in the rules."

The statutory provisions we are implementing in this proceeding are closely related to the eased entry provisions. They clarify the post-licensing requirements for owner-operators receiving authority to transport regulated commodities under the fitness only categories. Some owner-operators have already sought authority under the provisions of the new law but, until final rules are effective, owner-operators must follow the requirements for filing tariffs and schedules under 49 CFR 1307 and 1310. In fact, some newly licensed owner-operators have attempted to file tariffs in conformance with our proposed rules, only to have the tariffs rejected by the Commission because they were not in compliance with those sections.

No person will be adversely affected by our waiver of the normal 30-day notice period. The regulations do not require any individual, owner-operator, or carrier to do or refrain from doing anything. Rather, the regulations provide

guidance and establish procedures to facilitate entry into specific areas of motor common carriage by owner-operators and enable them to compete more effectively in the marketplace.

The Motor Carriers Lawyers Association (MCLA) requests oral argument in this proceeding to enable the Commission to evaluate properly the proposed regulations. Oral argument is unnecessary. In response to our previous notice we received a number of excellent public comments. We do not perceive any significant policy, legal, or factual matters not already raised that could be elucidated through oral presentation.

Related Rulemaking Proceedings

The Commission has issued final rules in Ex Parte No. 55 (Sub-No. 43), *Rules Governing Applicotions for Operoting Authority*, 45 FR 86771 (December 31, 1980) governing the fitness only certification process. Owner-operators who obtain fitness only authority must comply with the Commission's rules concerning surety bonds and insurance for public protection (49 CFR 1043) and rules governing the designation of process agents (49 CFR 1044).

In Ex Parte No. 55 (Sub-No. 43A), *Acceptoble Forms of Requests for Operoting Authority*, 45 FR 86798 (December 31, 1980), we have determined that the commodity description to be used for the involved fitness only categories should be rephrased slightly from the statutory language to eliminate verbiage. Accordingly, persons applying for authority under these provisions should use these two descriptions.

1. For common carriage: To operate as a *common corrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, ond other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the United States.

2. For contract carriage: To operate as a *contract carriage* by motor vehicle, in interstate or foreign commerce, over irregular routes, *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 United States, under a continuing contract(s) with ———— (company) of ———— (domicile).

Definitional Issues

Two major issues are raised in connection with our proposed section 1138, designed to provide guidance to owner-operators as to what constitutes an emergency situation to trigger the exception to the statutory requirement that the owner of the vehicle be in the vehicle when the regulated movements are performed. One issue is the appropriateness of our proposed definition of "emergency situations." The second issue is what constitutes a "significant interest" for purposes of defining "owner" as it is used in the relevant statutory provisions.

1. *Emergency Situation.* In § 1138.2 (§ 1138.3 of final rules), we proposed regulations containing broad categories of situations which would qualify as "emergencies." Our definition includes the situation where the owner is incapable of operating the vehicle due to illness, unanticipated personal or family difficulties demanding personal attention, or unexpected operating conditions beyond the control of the owner-operator. Generally, we would require that the emergency situation could not have been anticipated by the owner-operator. Our proposed definition also included the statement that, "planned vacations, off-duty hours for the driver required by safety regulations of other non-driving periods scheduled of mandated by law shall not be considered as emergency situations."

All commentors agree that Congress did not intend the Commission to create an all-inclusive list of qualifying emergency situations. The issue then is whether our proposed broad categories of qualifying and non-qualifying emergency situations are consistent with the basic intent of the relevant statutory provisions. The comments we received on the emergency situation definition take one of two positions. Several parties [1] argue that the proposed definition accurately reflects the legislative directive, is broad enough to cover most situations, and would provide owner-operators with the flexibility necessary to perform successful operations. Other commentors, while agreeing with the general tenor of the definition, criticize the use of the term "unanticipated personal or family difficulties demanding personal attention." These parties [2] argue that the described part of our definition creates a large loophole.

We are convinced that our proposed definition is fully consistent with congressional intent in this area, and we will adopt it in our final regulations. We do not agree that the challenged portion of the definition will open an unnecessary loophole for licensed owner-operators. The legislation contemplates that ordinarily the owner-operator will be the driver of the vehicle but that there may be circumstances in which this will be impossible. Plainly difficulties demanding personal attention by the owner-operator can rise to the level of a personal emergency. While the emergency provisions of the law should not be broad enough to embrace situations which are planned or could have been planned, we believe that our use of the term "unanticipated" obviates any likelihood that the provision will be used to circumvent the Congressional purpose.

2. *Significant Interest.* Regarding the second issue, we observed in our notice that the term "owner" in sections 10922(b)(4)(E) and 10923(b)(5)(A) is to be given a broad interpretation. We noted that if a vehicle is owned by a husband and wife, either spouse could operate the vehicle; and if a partner owns a significant interest in the vehicle, that person would be eligible to operate the vehicle. We requested comments on what should constitute a "significant interest."

All commentors agree that we should define what constitutes a significant interest to be considered an owner of a vehicle.

Refrigerated Transport suggests that an "owner" should hold at least 50-percent of the "beneficial interest or title" to the motor vehicle. Arrow Truck Lines, *et ol*, states that the Commission should look to the concept of who has legal title to the motor vehicle. Arrow takes the position that partnerships should not be treated as "owners." The ATA suggests that the Commission promulgate and adopt a definition of owner which embraces legitimate financing arrangements and business relations. The ATA and Common Carrier Conference argue that any definition should limit the application of the term "owner" by expressly precluding "ownership" in more than one motor vehicle. The MCLA suggests that a person having a "significant interest" is one who has either actual

[1] The United States Department of Transportation (DOT), the National Council of Farmer Cooperatives, the American Farm Bureau Federation, the Food and Marketing Institute, and the United Fresh Fruit and Vegetable Association (UFFVA).

[2] The American Trucking Associations, Inc. (ATA), the Common Carrier Conference-Irregular Route of The ATA, and Refrigerated Transport Co., Inc.

control or the power to exercise control [as defined in 49 U.S.C. 10102(6)] or management of the business organization to which the license is issued. Finally DOT proposes that persons who own at least 10-percent of a vehicle should be considered to have a "significant ownership interest" sufficient to permit them to operate that vehicle.

We agree with DOT's proposal, and we will incorporate the 10-percent figure as the floor for a significant ownership interest in our final regulations, as new § 1138.2. The 10-percent figure will permit easier entry to the owner-operators sector by limiting the individual capital expenditure necessary to enter the trucking business.

The proposals concerning the use of beneficial or legal title concepts are contrary to the legislative history of the statutory provisions. Congress rejected use of the term "sole owner" in the provisions because in many instances a bank or other financial organization is the real owner of a motor vehicle. House Report, p. 16. It seems clear that Congress did not want the Commission to look to who has the title to a motor vehicle in determining eligibility for obtaining a license or operating under an owner-operator fitness only certificate or permit.

We decline to limit expressly our definition of "owner" to only one vehicle by a person, partnership, or corporation. The vast majority of owner-operators function on a one person-one truck basis, rendering this issue largely academic. However, there may be circumstances where an owner-operator participates in the ownership and operation of more than one motor vehicle. We see no valid reason why such a person, partnership, or corporation should not be permitted to participate in the transportation of regulated goods under sections 10922(b)(4)(E) and 10923(b)(5)(A).

We are aware of the congressional directive to monitor licensing and operations under the involved statutory provisions to assume that sham corporations are not set up in an attempt to circumvent the intent of the provisions. House Report, pp. 16–17. We have every intention of complying with this directive, and we will consider revising our regulations if the provisions are being abused.

Annual Reporting Requirement

To implement section 11145(c), we proposed a postcard-type report form to be completed by licensed owner-operators on an annual basis. The reporting forms would be mailed automatically to owner-operators receiving authority approximately 1 year after the issuance of operating authority, and then again on approximately the same date for succeeding years. Comments on the reporting form were solicited.

Most of the comments strongly support our proposed annual report form. The form will be adopted with minor changes. First, the report incorrectly describes the test for the amount of regulated traffic an owner-operator can handle. In our proposed regulations we used the phrase "at least 50 percent of annual tonnage consisted of exempt commodities," while the Act states that an operator may transport "an amount not to exceed" exempt tonnage transported. The correct usage of the terms for the certification should be an amount not to exceed; thus, no owner-operator may transport more than the exempt tonnage handled. This small change, of course, renders our request for information on the operator's total annual tonnage transported unnecessary, and it will be deleted.

Second, the ATA and the Common Carrier Conference request the inclusion of a warning of criminal or civil liability for the filing of false information or the failure to make a true and complete response. The annual report for Class III carriers (Form M–3) contains no criminal warning, and similarly we do not believe such a warning is necessary for the involved report. We will, however, add a new section to the annual report advising that failure to file the report could result in proceedings leading to revocation of operating authority.

A number of other suggestions have been offered and have been rejected because they are clearly contrary to the terms and spirit of the legislative directive expressed in section 11145(c). Commentors suggest that the form require: (1) identification of the vehicle or vehicles used, and the name of the person or persons holding the title to those vehicles (Refrigerated Transport); (2) information on the number of times during the year persons other than the owner operated the vehicle without the presence of the owner of the vehicle due to emergency situations (Refrigerated Transport); (3) the location where the back-up records covering tonnage, rates, logs, etc., are available for inspection (Common Carrier Conference); and (4) verification of compliance with all DOT safety regulations, with any safety problems specified (Arrow). The MCLA requests that we use the annual reporting requirement as a basis to promulgate a regulation requiring that the transportation of regulated commodities by owner-operators either precede or follow the transportation of exempt commodities under 49 U.S.C. 10526(a)(6). We see no justification for these proposals, and will not burden owner-operators with additional operating restrictions or conditions not imposed in the Motor Carrier Act.

Tariff Filings

To implement section 10762(g) and 10762(a)(1) we have proposed simplified rate filings for owner-operators transporting property under sections 10922(b)(4)(E) and 10923(b)(5). We proposed in new Part 1311 to 49 CFR Chapter X to allow those owner-operators to file a statement, in letter form, containing the transportation services to be performed and the minimum rates to be applied to those services. We also proposed in that section to provide owner-operators with pricing flexibility by enabling them to make rate filings effective on the date designated on the statement, which can be the same date the statement is filed with the Commission. Comments were sought on our proposals in this area.

A number of parties [3] express support for our proposed simplified rate filing regulations. They state that our proposed new Part 1311 is clearly consistent with the congressional mandate to streamline and simplify rate filing requirements and will encourage owner-operators to seek fitness only authority.

On the other hand, the MCLA, the Common Carrier Conference, and Refrigerated Transport, argue that the proposed regulations are insufficient. The MCLA and Refrigerated Transport recommend that the licensed owner-operators be required to file schedules and tariffs in the form now required by current regulations. The MCLA suggests that the tariffs filed by common carriers contain actual rates rather than minimum rates. Arrow and Refrigerated Transport argue that the rules should contain a minimum notice period prior to the effectiveness of a tariff filing and any changes to that filing. The Food Marketing Institute requests that the Commission be prepared to take appropriate action if the regulations adopted in this area lead to widespread rate discrimination by owner-operators. Finally, the Teamsters Union urges that the minimum rate which may be filed by owner-operators under the proposed rates should be no lower than the variable costs of the involved operations.

[3] DOT, UFFVA, American Farm Bureau Federation, and the National Council of Farmer Cooperatives.

The opponents of our proposed rates procedure have ignored our congressional mandate in this area. If Congress was satisfied that the normal tariff forms and requirements would not be unduly burdensome for licensed owner-operators, it would not have enacted section 10762(g). Clearly, the terms of that section, requiring the Commission to "streamline and simplify, to the maximum extent possible, the filing requirements * * *," must have major significance.

We are satisfied that our proposed rate filing regulations are fully compatible with the involved statutory provisions, and we will adopt new Part 1311 to 49 CFR Chapter X. In doing so, we affirm our preliminary determination to allow owner-operators to file minimum rates, and to file and change tariffs and schedules without a minimum notice period. We are convinced that maximum pricing flexibility is crucial to enable owner-operators to compete effectively within their commodity authorization. Without such flexibility, the congressional initiative will be thwarted.

In a similar vein, we again emphasize that the Commission does not intend to restrict the form of the tariff set by owner-operators or services performed under the certificates or permits to traditional point-to-point rates for individual commodities. As we observed in our notice, owner-operators may, for example, file minimum rates based on mileage alone, or a combination of mileage and weight or volume, with or without reference to one or more of the authorized commodities.

Persons operating under the owner-operator provisions are not exempt from the discrimination provisions of the Act. However, the Food Marketing Institute has not provided any support for its concern that widespread price discrimination will result from our simplified rate filing requirements. The owner-operator sector is among the most competitive in the motor carrier industry and discrimination is increasingly difficult in a fully competitive environment. There is little likelihood, therefore, that individual owner-operators will be able to engage in invidious price discrimination. Moreover, in weighing the potential benefit of administrative regulation of discrimination against the dampening effect on entry and competition in this sector of the industry, we are convinced that the benefits, if any, likely to flow from regulatory action would be offset by the detriments. In sum, we are confident that shippers will receive more aid in securing economical and efficient transportation services through reliance on the increase in the competitive environment in the motor carrier industry resulting from the eased entry provisions of the Act, than through any administrative regulation we create in an attempt to prevent all instances of price discrimination.

Finally, we will not impose the requirement that all minimum rates filed be above the variable costs of the involved operations, as the Teamsters Union suggests. As the Teamsters surely recognize, any owner-operator who consistently charges less than compensatory rates will not survive in the trucking business. Economic realities render this proposal plainly unnecessary.

Filing Fees

In our previous notice, we proposed that no filing fee be required for owner-operators seeking authority under sections 10922(b)(4)(5) or 10923(b)(5)(A). We sought comments on our proposal.

Several commentors [4] agree with our proposal to waive filing fees for owner-operators. These parties state that such action would be consistent with congressional intent and will facilitate entry or independent owner-operators into the market. DOT observes that the proposal is consistent with the terms of the Act which state:

> The Commission shall streamline and simplify, to the maximum extent practicable, the process for issuance of certificates to which the provisions of paragraph (4)(E) [relating to independent owner-operators] of this subsection apply. 49 U.S.C. 10922(b)(6).

The MCLA, Common Carrier Conference, the ATA, and Arrow oppose our proposal. They argue that waiver of the filing fee for applicants under the involved statutory provisions would be discriminatory. Arrow argues that we should require all applicants to contribute at least partially to the costs of processing their applications.

Overall, we find support for our proposal. We conclude, however, that a fairer course would be to substitute a reduced filing fee for the waiver of a filing fee. It would be unfair to charge $350.00 for other fitness only applications (which include owner-operator applicants) and to charge nothing for these applications. Accordingly, we will amend 49 CFR 1002.2 to reduce the filing fee to $150.00 for owner-operator fitness only applications filed after the regulations adopted in this proceeding become effective.

[4] DOT, the National Council of Farmer Cooperatives, the American Farm Bureau Federation, and the UFFVA.

We reject the charge that our action is discriminatory. Rather, our determination is based upon what we believe to be sound policy considerations. While Congress established other exceptions to the normal licensing procedures in section 10922, it took special pains to enact provisions enabling owner-operators to operate with a minimum of Federal Government intrusion. As we have noted, the House Report (at p. 10) directs the Commission to ensure that only a minimum of regulatory burdens are placed upon owner-operators and other individuals who might wish to become new owner-operators. No party opposing our proposal challenges our assumption that the normal filing fee would serve to discourage some individuals from taking advantage of the congressional initiative to license owner-operators to haul certain regulated commodities.

Informational Resources

DOT suggests that a major effort be made to notify and educate present and potential owner-operators about the Motor Carrier Act and the new regulations. We agree.

The Commission, in conjunction with DOT's Bureau of Motor Carrier Safety and the Small Business Administration, has already devoted substantial resources to developing a two day seminar to be presented to interested owner-operators. The no-cost program will begin in the near future and will be presented at numerous locations around the country. The Commission's portion of the program will discuss many aspects and implications of the new Act which might be of interest to owner-operators. The seminar will be advertised at an appropriate time.

Additionally, our Regional and Field Offices and Small Business Assistance Office in Washington, DC, stand ready to assist present and potential owner-operators.

Environmental, Energy, and Other Considerations

We adopt our preliminary finding in our notice of proposed rules that this action will not have a significant impact on the quality of the human environment or conservation of energy resources. No commentor asserts that a contrary position is warranted. The rules merely implement post-licensing provisions adopted by Congress in mandating the issuance of operating authority to qualified owner-operators. Furthermore, these issues can be raised in connection with individual licensing proceedings.

Although not required by the Regulatory Flexibility Act (C. Pub. L. 96–354), we also conclude that this action will not have a significant adverse economic impact on a substantial number of small entities.

Adoption of Rules

Accordingly, we adopt the rules and annual reporting form set forth in the appendices.

This action is taken under the authority of 49 U.S.C. 10922(b)(4)(E), 10923(b)(5)(A), 10762(a)(1), 10762(g), and 11145(c), and 5 U.S.C. 553.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gresham concurring in part and dissenting in part with a separate expression. Commissioner Clapp concurring with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Gresham, concurring in part and dissenting in part:

I disagree with the majority only to the extent that it defines owners by using a "substantial ownership test." In my opinion, we should define owners as the person or persons in whose name or names a vehicle is registered. This definition is clear and accurate and eliminates the need to select arbitrarily a "magic percentage figure."

Commissioner Clapp, concurring:

I support this decision except for the definition of "significant interest." In this setting, it seems unrealistic to me to define a 10% ownership of a vehicle as meeting that test. Such an action invites abuse of these procedures. I suggest that a 25% interest, which is still generous, would both be more reasonable and encompass true owner-operators, the intended beneficiaries of this proceeding.

Appendix A

49 CFR 1002 is amended by revising 49 CFR 1002.2(d)(8) as follows:

§ 1002.2 Filing fees.

* * * * *

(d) * * *

(8) A fitness-only application for motor common carrier authority under 10922(b)(4)(E) or motor contract authority under 10923(b)(5)(A) to transport food and related products	$150

* * * * *

Appendix B

In 49 CFR Chapter X is amended by adding a new Part 1138 to read as follows:

PART 1138—OWNER-OPERATOR FOOD TRANSPORTATION

Sec.

Authority: 49 U.S.C. 10922(b)(4)(E), 10923(b)(5)(A), 10762(a)(1), 10762(g), and 11145(c), and 5 U.S.C. 553.

§ 1138.1 Governing legislation.

Under 49 U.S.C. 10922(b)(4)(E) an owner-operator can obtain a certificate, and under 49 U.S.C. 10923(b)(5)(A) an owner-operator can obtain a permit, to transport food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs) agricultural limestone and fertilizers and other soil conditioners, through a fitness only application procedure. Transportation under those provisions must be provided by the owner in his or her own vehicle (except in emergency situations), and can only be provided to transport a total tonnage equal to the amount the owner-operator transports of exempt commodities under 49 U.S.C. 10526(a)(6). Owner-operators must certify, on an annual basis, that they are in compliance with the 50-percent tonnage requirement stated above.

§ 1138.2 Definition of owner.

For purposes of this section, any person with an ownership interest of 10-percent or greater in the motor vehicle used to provide regulated transportation under 49 U.S.C. 10922(b)(4)(E) or 49 U.S.C. 10923(b)(5)(A) shall be considered an owner of the vehicle. Any owner is eligible to operate the vehicle to provide transportation services under those provisions.

§ 1138.3 Emergency situations.

For purposes of this section, emergencies shall include those situations where the need for a substitute driver cannot be anticipated by the owner-operator. Considered under this definition would be situations where the owner-operator is incapable of operating the vehicle due to illness, unanticipated personal or family difficulties demanding personal attention, or other unexpected operating conditions beyond the control of the owner-operator which prevent the owner from operating the vehicle. Planned vacations, off-duty hours for the driver required by safety regulations or other non-driving periods scheduled or mandated by law shall not be considered as emergency situations.

§ 1138.4 Annual reporting requirement.

On an annual basis, each owner-operator providing transportation under certificates to which the provisions of 49 U.S.C. 10922(b)(4)(E) apply, and permits to which the provisions of 49 U.S.C. 10923(b)(5)(A) apply, shall complete Report Form OP–143 to certify compliance with the requirement that annual tonnage transported under these provisions does not exceed the annual tonnage transported of exempt commodities under 49 U.S.C. 10526(a)(6).

Annual Reporting Form

Owner-Operator Annual Report Form OP–143

Annual Report to the Interstate Commerce Commission

(attach address label here)

Owner-operator name and address, if different than shown.

MC Number ———————

Period covered—if this report is for less than an entire calendar year, report date operations cover.

From (month and date) ———————
To (month and date) ———————
Total tonnage transported under certificate or permit———————
Total tonnage transported of exempt commodities (under 49 U.S.C. 10526(a)(6)) ———

Certifications

(1) I certify that I am in compliance with the provisions of 49 U.S.C. 10922(b)(4)(E) (for common carriers) or 49 U.S.C. 10923(b)(5)(A) (for contract carriers), in that the tonnage transported under the certificate or permit for the period covered by this report did not exceed the exempt tonnage transported.

(2) I certify that this report was prepared by me or under my supervision, and that I have examined it, and that the items reported on the basis of my knowledge and belief are correctly reported.

Signature ———————
Address (Street, City, State, Zip Code) ———
Date ———————
Telephone number ———————

Note.—Failure to file this report may subject owner operator to proceedings leading to revocation of operating authority.

Appendix C

49 CFR Chapter X is further amended by adding a new Part 1311 to read as follows:

PART 1311—TARIFF FILINGS FOR OWNER-OPERATOR FOOD TRANSPORTATION

Sec.

Authority: 49 U.S.C. 10922(b)(4)(E), 10923(b)(5)(A), 10762(a)(1), 10762(g), and 11145(c), and 5 U.S.C. 553.

§ 1311.1 Owner-operator food transportation.

(a) *Governing legislation and applicable provisions.* Owner-operators

transporting property under certificates or permits issued under 49 U.S.C. 10922(b)(4)(E) and 10923(b)(5)(A) may, instead of filing schedules or tariffs under the provisions of 49 CFR 1307 and 1310, file a statement, in letter form, containing the transportation services the owner-operator will perform and the minimum rates to be applied to those services.

(b) *Statement of minimum rates.* Owner-operators shall file with the Section of Tariffs, Room 4360, Interstate Commerce Commission, Washington, D.C. 20423 a signed original and a copy of their statements setting forth the services to be performed and the minimum rates to be applied to those services. Each statement must (1) contain the owner-operator's full name, address and telephone number, and certificate or permit number, and (2) contain an effective date.

(c) *Changing rates.* If an owner-operator wishes to change a minimum rate schedule or tariff on file with the Commission, a new statement shall be filed. The new statement, cancelling the old one, shall state at the top of the statement the following:

This rate and service statement cancels a rate and service statement dated (show the date of the previous statement).

The new statement shall in all respects comply with the requirements set forth in subpart (b) of this part.

[FR Doc. 81-9197 Filed 3-30-81; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 61
Tuesday, March 31, 1981

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Proposed Revision of REA Bulletin 80-11

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to issue a revision of REA Bulletin 80-11, "Reports of Progress of Construction and Engineering Services." The proposed revision would introduce a change to indicate that REA Form 178, "Report of Progress of Construction and Engineering Services," shall be prepared monthly instead of biweekly. The proposed revision would also reinstate the REA reporting requirement which was deleted when the bulletin was last revised in 1977.

DATE: Public comments must be received by REA no later than: June 1, 1981.

ADDRESS: Submit written comments to the Director, Engineering Standards Division, Room 1270, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Dedman, telephone (202) 447-7040. The Draft Impact Analysis describing the options considered in developing this proposed rule is available upon request from the above named individual.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 80-11, "Reports of Progress of Construction and Engineering Services." This proposed action has been issued in conformance with Executive Order 12291 and has been determined to be "not major."

Copies of the draft revised bulletin are available from the Director, Engineering Standards Division, at the above address. This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: March 12, 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-9734 Filed 3-30-81; 8:45 am]

BILLING CODE 3410-15-M

7 CFR Part 1701

Proposed Revision of REA Specification DT-5C:PE-9

AGENCY: Rural Electrification Administration, Agriculture.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to revise REA Specification DT-5C:PE-9, "Wood Poles, Stubs, and Anchor Logs and the Preservative Treatment of These Materials." This proposed revision would reflect changes in national standards and clarify REA's position on certain points in the previous revision.

DATE: Public comments must be received by REA no later than June 1, 1981.

ADDRESS: Submit written comments to the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270-S, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Taylor, telephone (202) 447-5160. A Draft Impact Analysis has been prepared and is available from the Director, Engineering Standards Division at the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et. seq.), REA proposes to revise REA Specification DT-5C:PE-9, "Wood Poles, Stubs, and Anchor Logs and Preservative Treatment of These Materials." This specification incorporates several national standards which have been revised and/or amended since REA last revised Specification DT-5C:PE-9. The major changes proposed by REA are:

a. Clarification of requirements for inspection and manufacture.

b. Provision for quality assurance plans operated by purchasers.

c. Redefinition of use of waterborne (salt) preservatives and limitation on use of chromated copper arsenates.

d. Increased preservative retention and penetration requirements in larger transmission poles.

e. Designation of air seasoning requirements to reduce the possibility of pretreatment decay in poles.

f. Requirement of copper pyridine assay technique for pentachlorophenol treatments.

g. Adoption of American National Standards Institute ANSI 05.1—1979 standard.

Copies of the draft proposal are available from the Director, Engineering Standards Division, at the above address. This proposal has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major." This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees, 10.851—Rural Telephone Loans and Loan Guarantees, 10.852—Rural Telephone Loans and Loan Guarantees, 10.852—Rural Telephone Bank Loans, and 10.853—Community Antenna Television Loans and Loan Guarantees.

Dated: March 12, 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-9713 Filed 3-30-81; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 523

[No. 81-134]

Monetary Control Act Reserves Counting Toward Liquidity Requirements

Dated: March 12, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed regulation.

SUMMARY: These proposed amendments implement Title I of the Depository Institutions Deregulation and Monetary Control Act of 1980 ("Act") by authorizing Federal Home Loan Bank member institutions to count as liquidity certain reserves required by Title I to be maintained by member institutions, whether deposited directly or indirectly with a Federal Reserve Bank. The Board is also proposing amendments regarding

the status under the Board's liquidity regulations of vault cash maintained to satisfy the requirements of Title I of the Act.

DATE: Comments must be received by: April 27, 1981.

ADDRESS: Send comments to Information Services, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: David J. Bristol, Office of General Counsel, (202) 377–6461, or Richard C. Pickering, Office of Policy and Economic Research, (202) 377–6780, at the above address.

SUPPLEMENTARY INFORMATION: Title I of the Act (also cited as the "Monetary Control Act of 1980") (Pub. L. 96–221, 94 Stat. 132 (1980)) requires that Federal Home Loan Bank member institutions maintain certain reserves against transaction accounts and nonpersonal time deposits. Section 104 of the Act provides that such reserves may be in the form of balances maintained directly in a Federal Reserve Bank, or indirectly in such a Bank by means of a passthrough account at a Federal Home Loan Bank or other depository institution. Section 104 also provides that vault cash may be used to satisfy the reserve requirements of the Act. In addition, Section 104 of the Act expressly provides that such reserves held in the form of balances at a Federal Reserve Bank or in passthrough accounts may be used to satisfy liquidity requirements imposed under other provisions of Federal law, including Section 5A of the Federal Home Loan Bank Act ("Bank Act"). The Board therefore is proposing to amended 12 CFR 523.10 to include reserves maintained pursuant to Title I in the list of eligible liquid assets.

The Board is cognizant, however, of its obligation under Section 5A of the Bank Act to preserve a flexible liquidity base in order to carry out its function of regulating the flow of funds into the mortgage market. Pursuant to this obligation, the Board has encouraged the formation of liquidity portfolios that could be disposed of quickly in the market to meet changes in the need for mortgage credit. Consequently, the Board has approved as eligible liquid assets only those investments which mature quickly and, with respect to investments other than bank deposits, for which there exists an active trading market. In addition, the Board has required that a portion of the overall liquidity requirement be maintained as short-term liquid assets. Since the reserves required to be maintained under Title I, including vault cash maintained for such a purpose, may not be liquidated pursuant to an exercise of the Board's credit-regulating authority under Section 5A of the Bank Act, the Board believes that allowing the use of such reserves to satisfy short-term liquidity requirements would inhibit the Board's ability to exercise its credit-regulating function under Section 5A. To preserve its flexibility of action under Section 5A, the Board is proposing to exclude from short-term liquid assets eligibility the reserves required by the Act, whether maintained as vault cash, in passthrough accounts, or direct deposits with a Federal Reserve Bank.

The Board of Governors of the Federal Reserve System has adopted Regulation D (12 CFR Part 204) implementing Title I of the Act. The proposal incorporates the definitions of "vault cash" and "pass through account" contained in Regulation D.

In conformity with Section 605(b) of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), the Board certifies that the regulation which it proposes today will not, if promulgated, have a significant economic impact on a substantial number of small entities, because of the low level of reserve requirements imposed by Regulation D and the high level of short-term liquid assets held by insured institutions in excess of what is required pursuant to Board regulations.

Because the proposal implements a statutory change, the Board has determined that a 30 day comment period would be appropriate. Accordingly, the Board hereby proposes to amend Part 523 of Subchapter B, Chapter V of Title 12, *Code of Federal Regulations,* as set forth below.

SUBCHAPTER B—REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

Liquidity

Amend § 523.10 by 1. deleting the word "and" at the end of paragraph (g)(7), 2. deleting the period at the end of paragraph (g)(8) and replacing it with a semi-colon and the word "and", 3. adding a new paragraph (g)(9), and 4. amending the introductory clause of paragraph (h); to read as follows:

§ 523.10 Definitions for purposes of this section and §§ 523.11 and 523.12.

* * * * *

(g) *Liquid assets.*

* * * * *

(9) Reserves required to be maintained pursuant to Title I of the Depository Institutions Deregulation and Monetary Control Act of 1980 and established pursuant to 12 CFR Part 204, whether in the form of (i) vault cash, (ii) balances maintained directly with the Federal Reserve Bank in the district in which the member is located, or (iii) a pass through account: *provided,* that vault cash shall be included only once in calculating the aggregate amount of liquid assets. As used herein, the terms "vault cash" and "pass through account" are as defined in 12 CFR 204(2).

(h) *Short-term liquid assets.* The total of cash other than vault cash used to satisfy the reserve requirements of 12 CFR Part 204, accrued interest on unpledged assets which qualify as liquid assets under subsection (g) of this section, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to repurchase agreement):

* * * * *

(94 Stat. 132, Pub. L. 96–221; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 81–9705 Filed 3–30–81; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–052B]

Occupational Exposure to Cotton Dust

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Notice is given that the Occupational Safety and Health Administration will shortly be undertaking, through rulemaking procedures under section 6 of the Occupational Safety and Health Act of 1970, a reevaluation and reconsideration of the occupational health standard regulating employee exposure to cotton dust, 29 CFR 1910.1043. The purpose of this proceeding is to review the economic consequences of the regulation and in particular to evaluate the feasibility and utility of relying on cost-benefit analysis in setting occupational health standards, in the context of a specific regulation. At this time, public participation is invited on

the issues raised by such reevaluation and as to whether other matters relating to the hazards and regulation of cotton dust should be addressed.

DATES: Comments, suggestions and information are invited regarding this Advance Notice of Proposed Rulemaking. Comments in response to this Advance Notice should be submitted by May 15, 1981.

ADDRESSES: Comments should be submitted to the Docket Officer, Occupational Safety and Health Administration, Docket No. H–052B, Room S–6212, U.S. Department of Labor, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: James Foster, Occupational Safety and Health Administration, Room N3637, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523–8151.

SUPPLEMENTARY INFORMATION:

1. *Introduction.* On June 19, 1978, the Occupational Safety and Health Administration (OSHA) issued a final occupational health standard regulating exposure to cotton dust, 29 CFR 1910.1043, at 43 FR 27350. The new standard superseded the previous Walsh-Healey standard which had been adopted by OSHA pursuant to section 6(a) of the Occupational Safety and Health Act. The necessity for a more stringent and comprehensive regulation was based on the substantial body of scientific and medical evidence showing a severe risk of debilitating respiratory disease, particularly among cotton textile workers. The standard provides for a comprehensive regulatory program including a permissible exposure limit for airborne concentrations of cotton dust to be met through engineering controls, supplementary use of respirators, implementation of specified work practices, a medical surveillance program, and a program for employee education and training. OSHA made findings that these elements of the standard were both technologically and economically feasible; the agency also rejected the use of cost-benefit criteria in setting the standard.

The standard was immediately challenged in the courts of appeals by affected employees and various groups of affected employers. On pre-enforcement review, the United States Court of Appeals for the District of Columbia Circuit upheld the standard as it applied to the textile industry, among others. *AFL–CIO et al.* v. *Marshall et al.*, 617 F. 2d 636 (1979). The textile industry successfully petitioned for review in the Supreme Court of the United States, *American Textile Manufacturers Institute, Inc., et al.* v. *Donovan*, Nos. 79–1429 and 79–1583, in which the industry maintains that the standard is invalid because of the failure of the agency to justify it on a cost-benefit basis. The agency, adhering to its policy at the time the standard was issued, argued that such a justification could not be undertaken consistent with the Act and its purposes. This case is currently pending and no decision has been issued. Contemporaneous with this Advance Notice, the Secretary is filing with the Supreme Court a motion for leave to file a supplemental memorandum which brings to the attention of the court the Secretary's decision to reopen the rulemaking record in the cotton dust proceeding.

2. *The Proposed Rulemaking.* While the agency in the past has maintained that it would be inconsistent with the Act for OSHA to engage in cost-benefit analysis for the purpose of setting standards for exposure to toxic substances, the agency has now concluded that it would be appropriate to reexamine its previous position. That the appropriateness of cost-benefit analysis in the application of regulatory policy is of vital concern to the national welfare and the national government is evidenced by the recent establishment of the Presidential Task Force on Regulatory Relief, chaired by the Vice-President, and the recently issued Executive Order No. 12291 which mandates such analysis in certain rulemakings (46 FR 13193). The policy underlying that Order is that cost-benefit analysis is a useful device in the regulatory decision making process. Other safety and health agencies, although administering different statutes with somewhat different purposes, have found that the cost-benefit technique of variants thereof are useful in their decision making processes. See *Consumer Products Safety Commission, Proposed Methodology for Commission Consideration of Findings Under Section 9(c) of the Consumer Products Safety Act*, 45 FR 85772 (Dec. 30, 1980); *Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants; Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer*, 44 FR 58642 (1979). In consonance with the policy of the Executive Order, it is the agency's view that it is appropriate to evaluate the practicality of cost-benefit balancing by investigating the concept in the context of an actual standard such as cotton dust and in a manner which permits public comment. The agency has already produced one such report on this standard, the report requested by Congress in 1979, *Cotton Dust: Review of Alternative Technical Standards and Control Technologies* (May 1979).[1] That report, its assumptions, its methodology and its conclusions, were not subject to any public comment; nor did the report have the benefit of any recent data. Evaluations of the usefulness and limitations of cost-benefit analysis are more likely to be understood and be more meaningful if they may be illustrated by reference to a particular set of facts such as the cotton dust record.

In order to provide the most complete and comprehensive analysis, the agency feels that it would be appropriate to utilize the most recent data. To this end, the agency intends to invite the submission of information providing the most complete cost estimates associated with compliance with the standard and any other proposed means of providing protection to exposed employees. OSHA expects that much useful information will be found in the development of the compliance plans required by 29 CFR 1910.1043(e)(3). Information will also be requested which is relevant to the types of economic analysis which OSHA has traditionally engaged in, such as the financial strength of the industry, its capital needs, its structure and so forth so that the interrelationships between this type of economic analysis and cost-benefit techniques may be evaluated. A thorough cost-benefit analysis will also explore all alternatives, including the use of respirators.

In the agency's view, all this information and data, as well as the public input which will be provided in the rulemaking proceedings, will permit the agency to produce a comprehensive and thorough cost-benefit analysis. This experience, plus the comparative experience under other health and safety laws, [a comparison mandated by 29 U.S.C. 655(b)(5)], will enable the agency to decide under what circumstances it is appropriate and practical to factor such an analysis into setting toxic substances standards. Public comment will also be solicited on the issue of the extent to which cost-benefit analysis should be utilized in the setting of OSHA health standards. Based on the resolution of this important question, as well as any new information gathered in the process, the standard itself may be subject to adjustment.

[1] This report was produced at the direction of Congress after the issuance of the standard. Congress requested that the agency evaluate the standard on a cost-benefit basis, even though the agency had rejected this approach at the time it issued the standard.

In addition, at this stage of the proceeding OSHA will accept and consider suggestions as to the necessity for inquiring into other matters relevant to the enforcement of the standard. For example, this rulemaking would provide the opportunity, if necessary, to explore any problems with the vertical elutriator and Class III electrical hazards in textile mills, which was previously discussed in the Federal Register of October 10, 1980, 45 FR 67339–67340. Any other problems encountered under the monitoring provisions or in applying the concept of partial-shift use of respirators discussed at 45 FR 85736–85739 (Dec. 30, 1980), may also be pertinent topics for this proceeding.

Pending this reconsideration and reevaluation, it is the agency's judgment that the standard should remain in effect and continue to be enforced. Protection for employees at risk must be maintained as cotton dust has long been recognized as a major industrial health hazard. During the past year, employers have been obligated to bring most of the standard's protective measures into place with the exception of the requirement to install engineering controls, the completion of which was deferred for four years. There was general agreement during the rulemaking on the necessity of such provisions as repiratory usage, safer work practices, and a medical surveillance program, although the particulars may not have been resolved to the satisfaction of all affected employers. The long deferral of the next major step, engineering controls, means however that there is more than sufficient time for the agency to review the provisions of the standard as a whole and provide adequate notice if changes to the standard seem warranted. New effective dates may well be necessary in such a case. Consequently, there seems little justification for disrupting the compliance schedules and activities during this period of review. Any comments and suggestions should be sent to the Docket Office, at the address noted above, where they will be available for inspection and copying. Comments should be submitted by May 15, 1981.

3. *Authority.* This advance notice of proposed rulemaking was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Ave., NW, Washington, D.C. 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act (84 Stat. 1593; 29 U.S.C. 655).

Signed at Washington, D.C. this 27th day of March 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-9719 Filed 3-27-81; 3:15 pm]

BILLING CODE 4510-26-M

VETERANS ADMINISTRATION

38 CFR Part 3

Effective Date of Forfeiture for Treason

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: The Veterans Administration is proposing to amend its regulations governing the effective date of forfeiture of benefits for treason. The need for this action results from our determination that the current effective date regulations are not in agreement with the statute they implement.

DATES: Comments must be received on or before April 30, 1981. We propose to give this change unlimited retroactive effect.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the above address during normal business hours until May 11, 1981.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. (202–389–3005).

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 3504(a) a person shown by evidence satisfactory to the Veterans Administration to be guilty of treasonable acts (mutiny, treason, sabotage or aiding an enemy of the U.S.) forfeits all accrued or future noncontractual benefits.

When the Veterans Administration has determined that rights have been forfeited, benefits have been discontinued effective the date the benefits were granted or the day preceding the commission of the treasonable act, whichever is later (38 CFR 3.500(s) and 3.669). We have recently had occasion to examine the legislative history and language of 38 U.S.C. 3504(a) and have decided that these effective date provisions are not supported by section 3504(a). Our analysis leads us to conclude that the correct effective date for forfeiture for treasonable acts is the date of the forfeiture decision or date of last payment, whichever is earlier. Therefore, we are proposing amendments to 38 CFR 3.500(s) and 3.669 to effectuate this decision.

We are also proposing to amend 38 CFR 3.500 to eliminate gender reference.

The agency has determined that this proposed regulation is non-major in accordance with the requirements of E.O. 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96–354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until May 11, 1981. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: March 18, 1981.

Rufus H. Wilson,

Acting Administrator.

PART 3—ADJUDICATION

§ 3.500 [Amended].

1. Section 3.500 is amended as follows:

(a) By removing the words "his or her" and inserting the words "the payee's" in paragraph (b)(1); by removing the words "widow or widower" and "widow's or widower's" and inserting the words "surviving spouse" and "surviving spouse's" in paragraph (e); and by removing the words "widow or widower" and inserting the words "surviving spouse" in paragraph (n)(4).

(b) By revising paragraph (s) as follows:

§ 3.500 General.

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent

will be the earliest of the dates stated in the paragraphs of this section unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit. (38 U.S.C. 3012(b))

* * * * *

(s) *Treasonable acts or subversive activities* (38 U.S.C. 3504 and 3505; §§ 3.902, 3.903). (1) *Treasonable acts.* Date of the forfeiture decision or date of last payment, whichever is earlier.

(2) *Subversive activities.* Beginning date of award or day preceding date of commission of subversive activities for which convicted, whichever is later.

* * * * *

§ 3.669 [Amended].

2. Section 3.669 is amended as follows:

(a) By removing the words "Chief Attorney" and inserting the words "District Counsel" in paragraph (a).

(b) By revising paragraph (b) as follows:

§ 3.669 Forfeiture.

* * * * *

(b) *Fraud or treasonable act*—(1) *Fraud.* If forfeiture of rights is not declared, payments shall be resumed from date of last payment, if otherwise in order. If it is determined that rights have been forfeited, benefits shall be discontinued effective the commencing date of the award or the day preceding the commission of the act resulting in the forfeiture, whichever is later.

(2) *Treasonable acts.* If forfeiture of rights is not declared, payments shall be resumed from date of last payment, if otherwise in order. If it is determined that rights have been forfeited, benefits shall be discontinued the date of the forfeiture decision or date of last payment, whichever is earlier.

* * * * *

(38 U.S.C. 210(c))

[FR Doc. 81-9733 Filed 3-30-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPTS 84004A; TSH-FRL 1790-7]

Asbestos; Reporting and Recordkeeping Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule; Extension of Comment Period.

SUMMARY: EPA extends the comment period for the proposed Asbestos Reporting and Recordkeeping Rule published in the Federal Register of January 26, 1981 (46 FR 8200). The comment period will extend an additional 30 days beyond the date originally set by the proposal.

DATE: All comments on the proposed rule should be postmarked by April 27, 1981.

ADDRESS: Written comments should bear the document control number OPTS 84004 and should be submitted to: Document Control Officer, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency, Rm. E-107, 401 M St., SW, Washington, DC 20460.

The administrative record supporting this action is available for public inspection in Rm. E-107 at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-136, 401 M St., SW, Washington, DC 20460, toll free: (800-424-9065), in Washington, DC: (554-1404).

SUPPLEMENTARY INFORMATION: As discussed in the preamble of the proposal (46 FR 8208), following the written comment period EPA personnel responsible for developing the proposal will be available to meet with interested persons from companies, organized labor, trade associations, and citizens' organizations. These meetings will be held by request on May 14, from 10:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m. and on May 15 from 10:00 a.m. to 2:00 p.m. in Rm. 3906, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460.

All meetings will be open to the public. EPA intends to limit active participation in the meetings to those persons requesting the session and designated EPA personnel.

To request time for a meeting, interested persons should call the Industry Assistance Office, toll-free at 800-424-9065, or 554-1404 in the Washington, D.C. area. Interested persons should note that if no one requests a session, the meetings will not be held. Observers should call the Industry Assistance Office to ascertain the meeting schedule.

Dated: March 20, 1981.

Edwin H. Clark, II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-9639 Filed 3-30-81; 8:45 am]

BILLING CODE 6560-31-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

Refunds From Carriers for Unused Transportation Services or Accommodations

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend the Federal Property Management Regulations to revise and improve the current procedures regarding voluntary refunds from carriers for unused transportation services or accommodations. Compliance with these revised procedures by Government agencies and the carrier industry will assure the recovery of outstanding refunds due the U.S. Government.

DATE: Comments must be received by April 30, 1981.

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

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

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this proposal will not be considered a major rule under E.O. 12291 of February 17, 1981, because it is not likely to: Have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices, or result in significant adverse effects.

GSA proposes to amend Title 41, Part 101-41 of the Code of Federal Regulations (41 CFR 101-41) as follows:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The table of contents for Part 101-41 is amended to add the following entry:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

* * * * *

101-41.210-5a Carrier reimbursement when SF 1170 has not been received.

* * * * *

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

2. Section 101-41.210-1 is revised to read as follows:

§ 101-41.210-1 SF 1170, Redemption of unused tickets.

Agencies shall not revise carrier bills or require carriers to rebill items, except as provided in § 101-41.210-6, to recover from carriers the value of unused or unfurnished transportation services or accommodations but shall make demand on the carriers through the use of SF 1170. A separate SF 1170 must be used for each GTR, though more than one ticket or adjustment transaction may be related to that GTR and listed on the redemption form. Automation of certain phases of the ticket redemption procedure will be considered by GSA (TA) upon request of agencies having computer capabilities, where such automation offers potential savings.

3. Section 101-41.210-3 is revised to read as follows:

§ 101-41.210-3 Carrier processing of SF 1170.

Each carrier shall promptly refund moneys to adjust items listed on SF 1170, whether or not the related GTR has been submitted or paid. The carrier shall indicate on the original SF 1170 the amount credited to each ticket and the total amount being refunded and shall return the original with its refund to the agency. A refund that is inconsistent with the information on the SF 1170 shall be explained or computed on the SF 1170 or in an attached letter. A carrier declining to refund shall furnish an explanation on the original SF 1170. If a carrier is unable to determine which agency submitted the SF 1170, the payment and refund information shall be sent direct to the General Services Administration (TACA), Chester A. Arthur Building, Washington, DC 20406.

4. Section 101-41.210-4 is revised to read as follows:

§ 101-41.210-4 Agency processing of refunds.

Upon return of the original SF 1170 with the refund, the agency shall record and deposit the refund in conformity with its fiscal procedures and promptly forward the original SF 1170, together with any advice from the carrier regarding the basis of the refund, to the General Services Administration (TACA), Chester A. Arthur Building, Washington, DC 20406.

5. Section 101-41.210-5 is revised to read as follows:

§ 101-41.210-5 Report of carrier failure to make refund for unused transportation services or accommodations.

If, within 120 days from the time of issuance of SF 1170, the carrier has failed to make refund for unused transportation services or accommodations or to furnish satisfactory explanation as to why no refund is due, or has refused to make an adjustment, the agency shall transmit the triplicate copy of the SF 1170 and all related correspondence to the General Services Administration (TACA), Chester A. Arthur Building, Washington, DC 20406, for appropriate action.

6. Section 101-41.210-5a is added to read as follows:

§ 101-41.210-5a Carrier reimbursement when SF 1170 has not been received.

It is not necessary for a carrier to receive an SF 1170 before reimbursing the Government for unused transportation services or accommodations. When a carrier identifies a difference between the transportation service requested by the Government and the service actually provided, a refund shall be made to the Government. If an SF 1170 has not been received within 120 days from the ticket issuance date, or date of travel, whichever is later, the refund shall be sent by the carrier to the General Services Administration (TACA), Chester A. Arthur Building, Washington, DC 20406. Both the GTR number and ticket number, and the amount being refunded, must be included along with any other information pertinent to the refund.

(31 U.S.C. 244)

Dated: March 5, 1981.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Services.

[FR Doc. 81-9635 Filed 3-30-81; 8:45 am]

BILLING CODE 6820-AM-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5798]

Revision of Proposed Flood Elevation Determinations for City of Montgomery, Montgomery County, Alabama Under the National Flood Insurance Program

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 City of Montgomery, Alabama.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 45 FR 22989 on April 4, 1980 and in the *Montgomery Advertiser & Alabama Journal,* published on or about March 3, 1980, and March 10, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-proned areas and the proposed flood elevations are available for review at City Hall, 124 N. Perry Street, Montgomery, Alabama.

Send comments to: Honorable Emery Folmar, P.O. Box 1111, Montgomery, Alabama 36102.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Montgomery, Alabama, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Alabama River	Intersection of river and center of Interstate Highway 65.	*163
	At confluence with Gailbraith Mill Creek.	*168
Tallapoosa River	At confluence with Oliver Creek.	*173
Catoma Creek	Intersection of creek and Georgia Railroad.	*159
	100 feet upstream from center of U.S. Highway 31 and 80.	*172
	100 feet upstream from center of Woodley Road.	*202
Caney Branch	100 feet upstream from center of U.S. Highway 80.	*169
	Intersection of branch and center of Interstate Highway 65.	*195
Genetta Ditch	Intersection of ditch and U.S. Highway 31 and 82.	*173
	100 feet upstream from center of Seaboard Coast Line Railroad.	*185
Cloverland Ditch	100 feet upstream from center of Interstate Highway 65.	*179
	100 feet upstream from center of Court Street.	*190
Wiley Creek	At confluence with Catoma Creek.	*176
	350 feet downstream from center of Teague Road.	*195
Audubon Ditch	Intersection of ditch and U.S. Highway 331	*185
	50 feet upstream from center of Augusta Drive.	*212
Baldwin Slough	100 feet upstream from center of Narrow Lane Road.	*184
	100 feet upstream from center of Kingsbury Drive.	*233
Hannon Slough	100 feet upstream from center of Seibles Road.	*182
	100 feet upstream from center of Wildwood Drive.	*219
Snowdoun Creek	At confluence with Catoma Creek.	*187
Whites Slough	100 feet upstream from center of Narrow Lane Road.	*187
	Intersection of slough and Vaughn Road.	*242
Ramer Creek	At confluence with Catoma Creek.	*195
West End Ditch	At confluence with Alabama River.	*160
	350 feet upstream from center of Air Base Boulevard.	*164
	50 feet upstream from center of Terminal Road.	*168
Three Mile Branch	Intersection of branch and Lower Wetumpka Road.	*169
	Intersection of branch and Seaboard Coast Line Railroad.	*196
	150 feet upstream from center of Interstate Highway 85.	*237
Sherwood Ditch	Intersection of ditch and East Haven Road.	*219
	100 feet upstream from center of Farwood Drive.	*250
Gailbraith Mill Creek.	At confluence with Alabama River	*168
	Intersection of Creek and U.S. Highway 231	*171
	Intersection of creek and Seaboard Coast Line Railroad.	*217
Oliver Creek	Intersection of creek and Georgia Railroad.	*174
	Intersection of creek and U.S. Highway 80.	*211
Pintlalla Creek	200 feet upstream from center of County Highway 26 (Wasden Road).	*183
Pine Creek	300 feet upstream from center of U.S. Highway 31 and 82.	*160
	100 feet upstream from center of Doster Road.	*221
Mill Creek	350 feet downstream from center of Seaboard Coast Line of Atlanta.	*204

(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: March 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9471 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5841]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Borough of Milford, Hunterdon County, New Jersey, previously published at 45 FR 42711 on June 25, 1980.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Borough of Milford, Hunterdon County, New Jersey previously published at 45 FR 42711 on June 25, 1980, 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).

Due to a clerical error the elevation for the location of Downstream Corporate Limits, under the Source of Flooding of Delaware River, was incorrectly published. It should be amended to read 137 feet in elevation (National Geodetic Vertical Datum). The corresponding flood Insurance Study (profile) and Flood Insurance Rate Map were correct as printed.

(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: March 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9470 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6020]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations 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, Federal Emergency Management Agency, Federal Insurance Administration,

National Flood Insurance Program, (202) 755–5585, 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 and Section 206 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.

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.

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)
Alabama	Town of Hurtsboro, Russell County	Hurtsboro Creek	Just upstream of Seaboard Coast Line Railroad	*337
	Maps available for inspection at Town Hall, Main Street, Hurtsboro, Alabama 36860.			
	Send comments to Honorable John C. Williams or Ms. Wanda McCaghren, Town Clerk, Town Hall, P.O. Box 105, Hurtsboro, Alabama 36860.			
Alabama	Unincorporated areas of Macon County	Uphapee Creek	Just upstream of State Highway 49	*217
			Just upstream of County Road 39	*227
			Just downstream of State Highway 199	*234
			Just upstream of State Highway 81	*255
		Bulger Creek	Approximately 3,900 feet above the confluence with Uphapee Creek.	*225
		Calebee Creek	Just upstream of County Road 73	*254
			Just downstream of U.S. Highway 29	*296
		Persimmon Creek	Confluence with Calebee Creek	*272
			Just downstream of County Road 45	*284
		Branch One of Calebee Creek	Just upstream of State Highway 49	*302
			Just downstream of the Tuskegee Corporate Limits	*311
		Branch of Uphapee Creek	Just downstream of County Road 25	*280
		Branch Two of Calebee Creek	Just downstream of County Road 47	*312
	Maps available for inspection at Macon County Courthouse, East Northside Street, Tuskegee, Alabama 36483.			
	Send comments to Rev. Lawrence F. Haygood or Mr. Jed White, County Engineer, Macon County Courthouse, P.O. Box 150, Tuskegee, Alabama 36483.			
Alabama	Unincorporated areas of Montgomery County	Alabama River	Just downstream of the confluence of Catoma Creek	*158
		Tallapoosa River	Just upstream of confluence of Mill Creek	*175
			Just upstream of confluence of Miller Creek	*178
			Just upstream of confluence of Line Creek	*184
		Pintalla Creek	Just downstream of U.S. Highway 80	*163
			Just upstream of Pinchony Creek	*191
			Just downstream of U.S. Highway 31	*204
		Pinchony Creek	Just upstream of Federal Road	*209
			Just upstream of Tabernacle Road	*220
		Vickers Creek	Just downstream of U.S. Highway 31	*227
		Johnsons Creek	Just upstream of Montgomery County Road No. 2	*211
			Just upstream of Southern Railway	*228
		Mill Creek	Just upstream of Frontage Road	*195
			At Georgia Railroad	*177
		Miller Creek	Just upstream of Interstate 85	*193
			Just downstream of Highway 110	*210
		Line Creek	Just downstream of Interstate 85	*187
			Just upstream of Barganier	*205
		Matthews Slough	Just upstream of Montgomery County Road No. 2	*210
			At Highway 110	*220
	Maps available for inspection at Montgomery County Courthouse, 142 Washington Avenue, Montgomery, Alabama 36102.			
	Send comments to Mr. H. W. Suddath, County Administrator or Mr. David Stockman, Assistant Administrator, Montgomery County Courthouse, 142 Washington Avenue, Montgomery, Alabama 36102.			
Alabama	City of Tuskegee, Macon County	Branch of Uphapee Creek	Just upstream of the Tuskegee Corporate Limits and State Road 199.	*280
			Just downstream of U.S. Highway 80 & 29	*294
			Just downstream of Hospital Drive	*343
		Branch One of Calebee Creek	Alabama Avenue if Extended	*318
			Tuskegee Corporate Limits	*311
		Uphapee Creek	Intersection of Auburn Wire Road and eastern Corporate Limits.	*271
	Maps available for inspection at City Hall, 214 North Main Street, Tuskegee, Alabama 36083.			
	Send comments to Mayor Johnny Ford or Ms. Linda Carroll, City Clerk, City Hall, 214 North Main Street, Tuskegee, Alabama 36083.			

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Eagar (Town), Apache County	Little Colorado River	75 feet upstream from center of a Private Road (which is at the intersection of River Road and 4th Avenue).	*6,995
			Intersection of river and center of School Bus Route	*7,061
Maps available for inspection at Department of Public Works, Harless & Central Eagar, Arizona.				
Send comments to Honorable Lloyd Ashcroft, P.O. Box 78, Eagar, Arizona 85925.				
California	Folsom (City), Sacramento County	American River	Intersection of American River and center of Greenback Lane.	*138
		Hinkle Creek	40 feet upstream from center of Oak Avenue Parkway	*270
		Humbug Creek	Intersection of Humbug Creek and Placerville Road	*285
		Willow Creek	15 feet upstream from the center of Folsom Boulevard	*164
			50 feet upstream from center of Placerville Road	*284
Maps available for inspection at Office of the City Engineer, 50 Natoma Street, Folsom, California.				
Send comments to Honorable P. Stanley Gilser, 50 Natoma Street, Folsom, California 95630.				
California	Lancaster (City), Los Angeles County	Amargosa Creek	Intersection of 6th Street West and Avenue L	#1
		Amargosa Creek Tributary	Intersection of Division Street and Avenue J	#1
		Portal Ridge Wash	Intersection of 30th Street West and Avenue H-8	*2,312
Maps available for inspection at Department of Building and Engineering Services, 237 East Avenue M, Lancaster, California.				
Send comments to Honorable Fred M. Hahn, 237 East Avenue M, Lancaster, California 93534.				
California	Palmdale (City), Los Angeles County	Amargosa Creek	Intersection of Amargosa Creek and center of Avenue N.	#1
		Amargosa Creek Tributary	Southeast corner of intersection of Valleyline Drive and Avenue M.	#1
		Anaverde Creek	Intersection of Avenue Q-7 and 5th Street East	#1
		Avaverde Creek	Intersection of Division Street and Palmdale Boulevard	#1
Maps available for inspection at Department of Building Inspection, 1311 East Palmdale Boulevard, Palmdale, California.				
Send comments to the Honorable Lynda J. Cook, 1311 East Palmdale Boulevard, Palmdale, California 93550.				
California	Ridgecrest (City) Kern County	El Paso Wash	At intersection of North Inyo Street and Ridgecrest-Inyokern Boulevard.	*2,296
		West China Lake Wash	200 feet west to intersection of North Warner Street and Felspar Street.	*2,294
Maps available for inspection at City Engineer, 139 N. Balsan, Ridgecrest, California.				
Send Comments to the Honorable Harold Hockett, 139 N. Balsan, Ridgecrest, California 93555.				
Massachusetts	Wayland, Town, Middlesex County	Sudbury River	Downstream Corporate Limits	*122
			Upstream Corporate Limits	*126
		Pine Brook	Confluence with Sudbury River	*123
			Upstream of the confluence with Hayward Brook	*123
		Mill Brook	Confluence with Pine Brook	*123
			Downstream of Claypit Hill Road	*130
		Hayward Brook	Confluence with Pine Brook	*123
			Downstream of Boston Post Road	*127
			Upstream of Boston Post Road	*137
			Upstream of Rich Valley Road	*146
			Upstream of Boston and Maine Railroad	*157
		Snake Brook	Upstream of Commonwealth Avenue (downstream crossing).	*139
			Upstream of Main Street	*148
			Downstream of Commonwealth Avenue (Upstream crossing).	*160
			Upstream of Commonwealth Avenue (Upstream crossing).	*166
			Thompson Street	*172
Maps available for inspection at the Wayland Town Clerk's Office, Town Hall, Wayland, Massachusetts.				
Send comments to Honorable Catherine Seiler, Chairwoman of the Wayland Board of Selectmen, Town Hall, Wayland, Massachusetts 01778.				
New Jersey	Folsom, Borough, Atlantic County	Hospitality Branch	State Route 54	*62
			Cushion Lake Embankment	*71
			Corporate Limits	*74
		Great Egg Harbor River	State Route 54	*62
			Fourteenth Street	*70
			Corporate Limits	*72
		Great Egg Harbor Tributary	Confluence with Great Egg Harbor River	*70
			Corporate Limits	*73
Maps available for inspection at the Borough Hall, 13th Street and Mays Landing Road, Folsom, New Jersey.				
Send comments to Honorable Edward Gandolfi, Mayor of the Borough of Folsom, Borough Hall, 13th Street and Mays Landing Road, Folsom, New Jersey 08037.				
Oregon	Cornelius (City), Washington County	Tualatin River	800 feet south from the intersection of South 14th Avenue and South Dogwood Street.	*151
		Tualatin River Side Channel	700 feet west from the intersection of 9th Avenue and South Magnolia Street.	*155
		Backwater from Dairy Creek	At intersection of Council Creek and Susbauer Road	*151
Maps available for inspection at City Hall, 120 N. 13th Avenue, Cornelius, Oregon.				
Send comments to the Honorable Don Ventura, P.O. Box 607, Cornelius, Oregon 97113.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oregon	Durham (City), Washington County	Tualatin River	Intersection of river and center of Southwest Lower Boones Ferry Road.	*124
			Intersection of Fanno Creek and center of Burlington Northern Railroad.	*126
Maps available for inspection at City Hall, 17160 S.W. Upper Boones Ferry Road, Durham, Oregon.				
Send comments to the Honorable Robert D. Percy, P.O. Box 23483, Tigard, Oregon.				
Oregon	Sherwood (City), Washington County	Cedar Creek	100 feet upstream from center of State Highway 99 West.	*162
			100 feet upstream from center of West Villa Street	*168
		Rock Creek	Intersection of creek and center of Rock Creek Road	*135
Maps available for inspection at City Hall, 90 NW Park Street, Sherwood, Oregon.				
Send comments to the Honorable Clyde List, P.O. Box 167, Sherwood, Oregon 97140.				
Oregon	Wilsonville (City), Clackamas County	Willamette River	400 feet southeast of the intersection of Rose Lane and Wilsonville Road.	*90
			At the center of the Burlington Northern Railroad crossing of Willamette River.	*91
		Seely Ditch	At the intersection of Bryton and Montebello Drive	*145
		East Overflow Ditch	At the center of the Wilsonville Road crossing of East Overflow Ditch.	*145
Maps available for inspection at City Hall, 304 70 SW Parkway, Wilsonville, Oregon.				
Send comments to the Honorable William G. Lowrie, P.O. Box 220, Wilsonville, Oregon 97070.				
Rhode Island	Central Falls, City, Providence County	Blackstone River	Downstream Corporate Limits	*35
			Upstream side of Pantex Dam	*45
			Downstream side of downstream Conrail crossing	*47
			Sayles Dam	*60
			75† upstream of Broad Street	*61
			Upstream Corporate Limits	*62
Maps available for inspection at the City Hall, 580 Broad Street, Central Falls, Rhode Island.				
Send comments to Honorable Richard Bessette, Mayor of Central Falls, City Hall, 580 Broad Street, Central Falls, Rhode Island 02863.				
South Carolina	Unincorporated areas of Dorchester County	Ashley River	Approximately 1000 feet downstream of State Highway 165 (Bacon Bridge).	*14
			Just upstream of U.S. Highway 17-A (Island Bridge)	*20
			Just downstream of U.S. Highway 78	*26
		Coosaw Creek	Just upstream of Dorchester Road	*14
		Eagle and Chandler Creek Bridge Channelization.	Just downstream of Field Road	*21
			Just downstream of State Highway 642 (Dorchester Road).	*10
		Eagle Creek	Just downstream of the extension of State Road 501	*22
		Sawmill Branch	Just upstream of State Highway 165	*23
			Just downstream of Newington Boulevard	*31
			Approximately 500 feet downstream of U.S. Highway 78.	*53
		Unnamed Tributary of Ashley River	Approximately 250 feet downstream of State Road 13	*37
		Hurricane Branch	Approximately 150 feet downstream of the State Road Extrance Ramp.	*26
		Rumphs Hill Creek	Approximately 100 feet upstream of State Highway 58	*35
			Just upstream of Remen Boulevard	*56
		Negro Branch	Just upstream of the downstreammost Oakwood Drive Crossing.	*37
		Platt Branch	Approximately 150 feet downstream of State Highway 22.	*42
		Stanley Branch	Just downstream of State Highway 22	*31
Maps available for inspection at Planning Commission, 101 Ridge Street, County Courthouse, St. George, South Carolina 29477.				
Send comments to Mr. Marc Hehn, County Administrator or Mr. Charles Cuzzell, Planning Director, County Courthouse, P.O. Box 416, St. George, South Carolina 29477.				

(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: March 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9473 Filed 3-30-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 80-286]

Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order; Correction.

SUMMARY: We are adding an FCC Number and statement listing non-participating Commissioners to the Memorandum Opinion and Order on the Federal-State Joint Board on Jurisdictional Separations. This information should have been included in the item when it was initially released by the Commission.

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

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

Erratum

Released: March 18, 1981.

In the matter of amendment of Part 67 of the Commission's rules and establishment of a joint board.

1. The Memorandum Opinion and Order in this proceeding adopted by the Joint Board on February 23, 1981 and inadvertently released on March 13, 1981 (46 FR 17568) without an FCC should be amended to include FCC 81-115 as the FCC Number. This item should also be amended by adding after the phrase "By the Federal-State Joint Board," the statement "Commissioner Richard D. Gravelle (California) and Commissioner Edward M. Parsons, Jr. (Wisconsin) Absent."

William J. Tricarico,

Secretary.

[FR Doc. 81-9558 Filed 3-30-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF LABOR

Employment Standards Administration

20 CFR Part 725

Claims for Benefits Under Part C of Title IV of the Federal Mine Safety and Health Act, as Amended

AGENCY: Employment Standards Administration, Labor.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On January 27, 1981 (46 FR 8570), a notice of proposed rulemaking was published concerning those situations where a lessor of coal mining property will not be liable for the payment of Black Lung benefits to employees of the lessee. The notice provided a 60 day public comment period. During this period the Secretary of Labor received a request from the President of the United Mine Workers of America to extend the comment period.

DATE: This notice officially revises the public comment period and extends the comment period to April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Robert D. Dorsey, Chief, Operational Policies, Regulations and Procedures, Division of Coal Mine Workers Compensation, Employment Standards Administration, U.S. Department of Labor, Room C3316, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: (202) 523-9486.

Signed this 27th day of March 1981 at Washington, D.C.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-9821 Filed 3-30-81; 10:08 am]

BILLING CODE 4510-27-M

Notices

Federal Register
Vol. 46, No. 61
Tuesday, March 31, 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

Forest Service

Finding of No Significant Impact; Cooperative Federal-State Spruce Budworm Integrated Pest Management, Maine, 1981

An Environmental Assessment (EA) has been prepared that discusses the 1981 Federal-State Cooperative Integrated Pest Management (IPM) Program for the spruce budworm in Maine. Spruce budworm management alternatives considered were previously discussed in a Programmatic Environmental Impact Statement and the USDA Forest Service will consider requests for financial assistance during the next 5 years (1981 to 1985) on an annual basis.

The EA was prepared in response to a Maine Bureau of Forestry request for USDA Forest Service financial assistance for IPM in 1981. The State's request for financial assistance was received in March 1981. Through this request, the Maine Bureau of Forestry plans to provide assistance to owners of small woodlands, utilization and marketing assistance, administer timber supply and demand analyses and to apply chemical insecticides on about 1.0 million acres, and a biological insecticide, Bt (Bacillus thuringiensis), on about 100 thousand acres in Aroostook, Franklin, Hancock, Penobscot, Piscataquis, Somerset, and Washington counties. Landowners and millowners will be applying silvicultural and utilization-marketing methods in these and other counties within the spruce-fir type to reduce losses—while implementing integrated pest management.

Copies of the EA are available for public review at the following offices:

Department of Conservation, Bureau of Forestry, State Office Building, Augusta, MA 04333;
USDA—Forest Service, Northeastern Area, State and Private Forestry, 370 Reed Road, Broomall, PA 19008;
USDA—Forest Service, Northeastern Area, State and Private Forestry, Federal Building, Portsmouth, NH 03801.

This EA documents the purpose of and need for IPM in 1981, and describes specific areas affected and specific methods to be used. In addition, the EA examines whether the IPM proposed by the State for 1981 meets USDA Forest Service environmental, biological, economic criteria for financial assistance and if a Federal role exists.

The factors addressed in the 1981 EA are:

(1) Specific areas to be treated with insecticides.
(2) Process used to determine areas to be treated with insecticides.
(3) Criteria used to draw up spray blocks.
(4) Chemical and biological insecticides to be used.
(5) Aircraft types to be used.
(6) Estimated duration of the spray project.
(7) Precautions to be followed during insecticide application.
(8) Environmental monitoring to be carried out on the spray project.
(9) Estimated costs of insecticide treatment.
(10) Energy requirements of insecticide treatment.
(11) The Indian Lands affected by insecticide.
(12) Distribution of human habitation.
(13) Silviculture practices being used for long-term budworm management.
(14) Utilization-marketing to reduce losses.
(15) Economic cost/benefit of the insecticide application.

The site-specific factors of the 1981 program and their impact upon the environment are discussed in the 1981 EA and compared to the spruce budworm management program discussed in the Programmatic Environmental Impact Statement. Based upon the analysis in the 1981 EA, there are no significant factors or adverse effects which have not already been addressed in the PEIS; USDA FS NA-81-01. Therefore, an environmental impact statement is not needed for the 1981 program. This determination was made considering the following factors: (a) management requirements and constraints and mitigation measures insure against significant adverse effects; (b) applications of chemicals and biologicals will comply with applicable EPA labels, and State and Federal law; (c) physical and biological effects are limited to the areas of planned treatment; and (d) all chemicals and biologicals are approved by EPA for the proposed use.

The responsible official is Allen J. Schacht, Area Director, Northeastern Area, State and Private Forestry, 370 Reed Road, Broomall, PA 19008.

Dated: March 31, 1981.

Allen J. Schacht,
Area Director, Northeastern Area, State and Private Forestry, 370 Reed Road, Broomall, PA 19008.

[FR Doc. 81-9601 Filed 3-30-81, 8:45 am]
BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Fasteners From Japan; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the countervailing duty order on certain fasteners from Japan. The review is based upon information for the period from January 1, 1978 through January 31, 1979. As a result of this review the Department has preliminarily determined the amount of the net subsidy to be 0.27 percent of the f.o.b. invoice price of the merchandise. The Department considers this rate to be *de minimis* except for fasteners classifiable under item numbers 646.54 and 646.56 of the Tariff Schedules of the United States (TSUS). For these two item numbers the Department considers this rate not to be *de minimis*. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 6, 1977 a notice of "Imposition of Countervailing Duties," T.D. 77-128, was published in the **Federal Register** (42 FR 23147). The notice stated that the Treasury Department had determined that exports of certain fasteners from Japan were provided bounties and grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). Accordingly, imports into the United States of certain fasteners were subject to countervailing duties. On June 4, 1979 a second notice, "Final Countervailing Duty Determination and Suspension of Liquidation," T.D. 79-158, was published in the **Federal Register** (44 FR 31972) expanding the scope of the previous order to include other types of fasteners. Despite its title this notice did not suspend liquidation.

On January 1, 1980 the provisions of title I of the Trade Agreements Act of

1979 became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. The Department suspended liquidation on all shipments of fasteners from Japan entered, or witdrawn from warehouse, for consumption on or after August 22, 1980. As required by section 751 of the Act, the Department has conducted an administrative review of the order on certain fasteners from Japan.

Scope of Review

Imports covered by this review are all fasteners currently classifiable under item numbers 646.54 and 646.56, and non-metric fasteners currently classifiable under item numbers 646.17, 646.40, 646.41, 646.49, 646.51, 646.53, 646.58, 646.60, 646.63, 646.65, 646.72, 646.74, 646.75, 646.76, and 646.78, Tariff Schedules of the United States (TSUS). The review is based upon information for the period January 1, 1978 through January 31, 1979, and is limited to the countervailable programs cited in T.D. 77–128 and T.D. 79–158. These programs are: (1) the deferral of income taxes on export earnings under the Overseas Market Development Reserve ("OMDR"), (2) export promotional assistance provided by the Japanese External Trade Organization (JETRO), and (3) benefits received under the "Temporary Measures Act for Small and Midsized Businesses With Regard to the High Yen Exchange Market" (High Yen Law).

Analysis of Programs

The OMDR program is offered by the Japanese government to firms with a total capitalization of 500 million yen or less. The program allows a firm the opportunity to set aside a portion of income earned on overseas operations. The amount set aside escapes taxation for up to 5 years. Twenty percent of the amount set aside has to be returned to taxable income each year with the total amount being returned by the end of the fifth year. We have treated the amounts set aside as no interest loans by the government. We have calculated the benefit under the OMDR program to be 0.1 percent. The benefit from the export promotion assistance provided by JETRO is 0.05 percent. We have found that the fasteners industry has taken advantage of three of the four methods of assistance under the High Yen Law that were cited in T.D. 79–158. These are (1) loans at preferential rates, (2) deferment of repayment of loans, and (3) the right to carry back current losses up to three years to offset income, corporate and local taxes paid in prior years. In our calculations we have aggregated the benefits derived from the loan provisions. That benefit is 0.05 percent. The benefit obtained in the form of tax refunds is 0.07 percent. The fourth method of assistance, the special government credit guarantees, was not utilized by the fastener industry.

We verified information presented by the Japanese government through examination of individual company books and records.

Preliminary Results of Review

As a result of our calculations, we preliminarily determine that the total net subsidy conferred by the programs cited above is 0.27 percent *ad valorem*.

Ordinarily, a net subsidy of this size might be considered *de minimis* in relation to the value of the merchandise concerned. However, as established by previous Department of the Treasury practice in this case, we have decided that this rate of net subsidy is significant when compared with column 1 rates of duty for TSUS item numbers 646.54 and 646.56. The respective rates of duty for those item numbers are currently 0.7 percent and 0.2 percent *ad valorem*.

Normally, the provisions of the law contained in the TAA apply only to entries made subsequent to January 1, 1980. However, T.D. 79–158 stated that the countervailing duty rates established by that order were "estimates * * * made in the absence of information regarding benefits specifically conferred on manufacturers * * *" and that those rates would be "reviewed upon receipt of information of the precise benefit by individual Japanese fastener manufactures/exporters." Accordingly, based on the present review the Department intends to instruct the Customs Service to assess countervailing duties of 0.27 percent *ad valorem* of the f.o.b. invoice price on all unliquidated entries entered, or withdrawn from warehouse, for consumption from June 4, 1979 through December 31, 1979, and currently classifiable under TSUS item numbers 646.54 and 646.56.

Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 0.27 percent *ad valorem* on all shipments of such fasteners entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present administrative review.

With regard to non-metric fasteners currently classifiable under TSUS item numbers 646.17, 646.40, 647.41, 646.49, 646.51, 646.53, 646.58, 646.60, 646.63, 646.65, 646.72, 646.74, 646.75, 646.76 and 646.78 the Department considers the 0.27 percent rate of net subsidy to be *de minimis*. Therefore, we intend to instruct the Customs Service to liquidate entries of such merchandise entered, or withdrawn from warehouse, from June 4, 1979 through December 31, 1979 without regard to countervailing duties. Further, we intend to instruct the Customs Service not to collect an estimated duty deposit on shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review.

The above deposit rate for fasteners under TSUS item numbers 646.54 and 646.56, and the waiver of deposit for all other fasteners, shall remain in effect until publication of the final results of the next administrative review. The present deposit requirements for both groups of fasteners at the countervailing duty rates set forth in T.D. 77–128 and T.D. 79–158 shall remain in effect and liquidation shall continue to be suspended until the publication of the final results of the present review.

The Department is reviewing its positions with regard to the countervailability under the Act of the assistance provided by JETRO and with regard to the more than *de minimis* nature of the 0.27 percent *ad valorem* net subsidy. Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review after analysis of issues raised in written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

March 25, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81–9554 Filed 3–30–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Dr. Paul Gleeson; Issuance of Marine Mammal Permit

On February 3, 1981, Notice was published in the Federal Register (46 FR 10520), that an application had been filed by Dr. Paul Gleeson, Laboratory of Archeology and History, Washington State University, Pullman, Washington 99164 for a permit to collect, export, and reimport specimens of various species of marine mammals for the purpose of scientific research.

Notice is hereby given that on 3/24/81, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1972 (16 U.S.C. 1531–1543) the National Marine Fisheries Service issued a Scientific Research and Scientific Purposes Permit for the above taking export and reimport subject to certain conditions set forth therein.

The Permit is available for review in the following offices.

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235; and

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109

Dated: March 24, 1981.

Robert K. Crowell

Deputy Executive Director, Notionol Marine Fisheries Service.

[FR Doc. 81-9711 Filed 3-30-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton Apparel Products From India

March 25, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the consultation level for cotton skirts in Category 342, produced or manufactured in India and exported during the agreement year which began on January 1, 1981, from 700,000 square yards equivalent (39,326 dozen) to 1.5 million square yards equivalent (84,270 dozen).

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, the consultation level established for cotton apparel products in Category 342 is being increased to 84,270 dozen for the agreement year which began on January 1, 1981 and extends through December 31, 1981, at the request of the Government of India.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 19, 1980, there was published in the Federal Register (45 FR 83647) a letter dated December 16, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Category 342, produced or manufactured in India, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, in accordance with the terms of the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the twelve-month level previously established for Category 342 to 84,270 dozen.

Paul T. O'Day,

Choirmon, Committee for the Implementation of Textile Agreements.

March 25, 1981.

Committee for the Implementotion of Textile Agreements

Commissioner of Customs,
Department of the Treosury, Woshington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 16, 1980 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in India.

Effective on March 30, 1981, paragraph 1 of the directive of December 16, 1980 is amended to increase the level of restraint for cotton textile products in Category 342 to 84,270 dozen.[1]

The action taken with respect to the Government of India and with respect to imports of cotton textile products from India has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairmon, Committee for the Implementotion of Textile Agreements.

[FR Doc. 81-9616 Filed 3-30-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing Levels of Restraint for Certain Cotton Textile Products Exported From Brazil, Effective on April 1, 1981

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing an import restraint level for cotton textile products in part of Category 369 (floor coverings) exported from Brazil, effective on April 1, 1981, at 719,570 pounds.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

SUMMARY: The Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil establishes levels of restraint for certain cotton textile products, including Category 369(pt.), produced or manufactured in Brazil and exported to the United States during the twelve-month period beginning on April 1, 1981 and extending through March 31, 1982. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 369(pt.) be limited to the designated twelve-month level of restraint.

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

This letter and the actions taken pursuant to its are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

Paul T. O'Day,

Choirman, Committee for the Implementation of Textile Agreements.

March 26, 1981.

Committee for the Implementotion of Textile Agreements

Commissioner of Customs,
Deportment of the Treosury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 1, 1981 and for the 12-month period extending through March 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 369 pt.,[1] produced or manufactured in Brazil, in excess of 719,570 pounds.

In carrying out this directive entries of cotton textile products in Category 369 pt., produced or manufactured in Brazil which have been exported to the United States on and after April 1, 1980 and extending through March 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the 12-month period beginning on April 1, 1980 and extending through March 31, 1981. In the event the levels of restraint established for that period have been exhausted by various entries, such goods shall be subject to the levels set forth in this letter.

The level of restraint set forth above is subject to adjustment in the future according to the provisions of the Bilaterial Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that: (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on Febuary 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Repubic of Brazil and with respect to imports of cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-9625 Filed 3-30-81; 8:45 am]

BILLING CODE 3510-25-M

[1] In Category 369, only T.S.U.S.A. numbers 360.2000, 360.2500, 360.3000, 360.7600, 360.8100, 361.0510, 361.1820, 361.5000, 361.5420, and 361.5630.

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92-463 notice is hereby given that a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held 26-30 April 1981 at the Hotel Washington, Washington, D.C.

The purpose of the DACOWITS Committee is to assist and advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semiannually.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meetings and discussions:

Sunday, 26 April, 1981—Hotel Washington

12:00 noon–9:00 p.m.—Registration
3:00 p.m.—Executive Committee Meeting
4:00 p.m.–6:00 p.m.—Orientation Briefing for New Members
7:00 p.m.–8:30 p.m.—"No Host" Dinner

Monday, 27 April 1981—Hotel Washington

8:00 a.m.–12:00 noon—Registration
9:00 a.m.–9:45 a.m.—Official Opening
10:00 a.m.–12:00 noon—OSD/Service Briefings
12:00 noon–1:30 p.m.—Luncheon (By invitation only)
1:30 p.m.–2:30 p.m.—DOJ Briefing
2:30 p.m.–5:30 p.m.—Subcommittee Meetings
7:00 p.m.–10:30 p.m.—Official Department of Defense Reception and Dinner (By invitation only)

Tuesday, 28 April 1981—Quantico, Virginia

8:30 p.m.–5:00 p.m.—Field Trip to the Marine Corps Education and Development Command at the Marine Corps Base at Quantico, VA
6:30 p.m.—Subcommittee Meetings

Wednesday, 29 April 1981—Hotel Washington

8:30 a.m.–12:00 noon—OSD/Service Briefings
12:00 noon–1:30 p.m.—"No Host" Luncheon
1:30 p.m.—Subcommittee Meetings

Thursday, 30 April 1981—Hotel Washington

8:00 a.m.–9:45 a.m.—General Business Session
—Adjourn

Members of the public will not be permitted to go on the field trip or attend the social functions.

The following rules and regulations will govern the participation by members of the public at the meeting:

(1) All business sessions, to include Executive Committee sessions will be open to the public.

(2) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(3) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify Captain Mary J. Mayer, USAF, DACOWITS, Executive Secretary, OASD (Manpower, Reserve Affairs and Logistics), Room 3D322, the Pentagon, Washington, D.C. 20301, (202) 697-5655 by 17 April 1981.

(4) Length and number of oral presentations to be made will depend on the number of requests received from the members of the public.

(5) Oral presentations by members of the public will be permitted only from 8:00 a.m. to 8:30 a.m. on Thursday, 30 April 1981 before the full Committee.

(6) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 40 copies of the presentation/statement by 17 April 1981.

(7) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(8) Members of the public will not be permitted to enter into the oral discussion conduced by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee.

(9) Members of the public will be permitted to orally question the scheduled speakers if time allows after the official participants have asked questions and/or made comments.

(10) Questions from the public will not be accepted during the subcommittee sessions, the Executive Committee sessions, or the Business Session on Thursday, 30 April 1981.

Additional information regarding the Committee and/or this meeting may be obtained by contacting the DACOWITS Executive Secretary, OASD (MRA&L), the Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

March 26, 1981.

[FR Doc. 81-9642 Filed 3-30-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TA81-2-31-000 (PGA81-2, IPR81-2, LFUT81-2)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

March 25, 1981.

Take notice that on February 27, 1981, Arkansas Louisiana Gas Company (Arkla) tendered for filing 24th Revised Sheet No. 185 and 3rd Revised Sheet No. 185A to its FERC Gas Tariff First Revised Volume No. 3, Rate Schedule No. X-26, to become effective April 1, 1981.

Arkla states that the purpose of 24th Revised Sheet No. 185 is to (1) reflect the cost of purchased gas for the six months period commencing April 1, 1981, (2) recover the accumulated deferred gas costs as of December 31, 1981, (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on 3rd Revised Sheet No. 185A and (4) to reflect a revision in the Louisiana First Use Tax Adjustments effective April 1, 1981.

Arkla also states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

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 protest should be filed on or before April 7, 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. 81-9573 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-108-001]

Boundary Gas, Inc.; Extension of Time

March 24, 1981.

On March 23, 1981, Independent Oil and Gas Association of New York, Inc. (IOGA) filed a request for an extension of time to file a petition to intervene in response to the Commission's Notice of Amendment to Application issued March 2, 1981, in the above-docketed proceeding. In support of this request, the motion states that IOGA only recently received copies of various documents related to this proceeding. The company requires additional time to review this material and the application of Boundary Gas, Inc., which raises many serious questions that may significantly impact IOGA's members.

Upon consideration, notice is hereby given that an extension of time for the filing of petitions to intervene is granted to and including April 22, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9574 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP79-59, et al.]

Colorado Interstate Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

March 25, 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, NE., Washington, D.C. 20426, on or before April 9, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
8/5/80	Colorado Interstate Gas Co	RP79-59	Report.
3/9/81	National Fuel Gas Supply Corp	RP80-135	Report.
3/9/81	Tennessee Gas Pipeline Co	RP81-44-000	Report.
3/12/81	Gulf Energy & Development Corp	RP74-86-004	Report.
3/17/81	Columbia Gas Transmission Corp	TA80-1-21-003	Report.

[FR Doc. 81-9586 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-233-000]

Columbia Gulf Transmission Co.; Application

March 25, 1981.

Take notice that on March 13, 1981, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-233-000 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the 12-month period commencing the date of the order and operation of various field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed facilities would not exceed $2,000,000. Applicant requests a waiver of the single-project limitation of $500,000 prescribed by § 157.7(g). It proposes to increase the single project limitation to $1,000,000. Such a waiver is necessary, states Applicant, because of the continuing increases in the cost of equipment and expenses incident to the installation of equipment. Such costs, it is stated, would be financed by working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 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 157.70). 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 and permission and approval for the proposed abandonment are 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. 81-9562 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4068-000]

Connecticut Municipal Electric Energy Cooperative; Application for Preliminary Permit

March 25, 1981.

Take notice that Connecticut Municipal Electric Energy Cooperative (Applicant) filed on January 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4068 to be known as the Farmington River Project located on the Farmington River, the West Branch of the Farmington River, the Nepaug River, and Phelps Brook in Hartford and Litchfield Counties, Connecticut. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. The application is on life with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Walter V. Truitt, Jr., Executive Director, Connecticut Municipal Electric Cooperative, 268 Thomas Road, Groton, Connecticut 06340. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would include the following existing works: (1) the Collins Company Upper Dam, having a height of 32 feet and a length of 660 feet. The dam impounds a reservoir of 55 surface acres and a storage capacity of 350 acre-feet; (2) the Collins Company Lower Dam, having a height of 33 feet and a length of 400 feet. The dam impounds a reservoir of 40 surface acres and a storage capacity of 160 acre-feet; (3) the Goodwin Dam, having a height of 125 feet and a length of 900 feet. The dam impounds a reservoir of 215 surface acres and 8,900 acre-feet of storage; (4) the Nepaug Dam, having a height of 133 feet and a length of 600 feet; and (5) the Phelps Brook Dam, having a height of 67 feet and a length of 1,250 feet. The Nepaug and Phelps Brook Dams together impound a reservoir of 900 surface acres and 34,120 acre-feet of storage capacity. The project would also utilize the U.S. Army Corps of Engineers existing Colebrook River Dam and Reservoir.

Various design alternatives for the project involve the construction or reconditioning of a powerhouse with the penstock at each of the six dam sites listed above. Depending upon the design alternatives selected, total generating capacity at the project could range up to 11,000 kW.

The Applicant estimates that the average annual energy output would be 37,400,000 kWh.

Purpose of Project—Energy generated by Project No. 4068 would be used by the Applicant for public utility purposes.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project feasibility and prepare preliminary designs and environmental assessments. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental assessments. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental studies, project designs, and an applicant for a FERC license. Applicant estimates that the cost of all studies under the permit, including the preparation of a license application, would be $300,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and

consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Goodwin-Colebrook Dams Project No. 3270 and the Collins Company Dams Project No. 3271, both filed on July 29, 1980, under 18 CFR 4.33 (1980), and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 21, 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. 4068. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of 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. 81-9587 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-360]

Connecticut Yankee Atomic Power Co.; Filing

March 24, 1981.

The filing company submits the following:

Take notice that on January 21, 1981, Connecticut Yankee Atomic Power Company submitted for filing a revised summary cost of service and a substitute for page four (4) to the filed Supplemental Power Contract. Said filing is being submitted pursuant to Commission Opinion No. 102, issued November 21, 1980, in the above referenced proceeding.

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before April 14, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc 81-9563 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-260-002]

Consolidated Gas Supply Corp.; Petition To Amend

March 25, 1981.

Take notice that on March 6, 1981, Consolidated Gas Supply Corporation (Petitioner), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-260-002 a petition to amend the order issued October 31, 1980, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the substitution by assignment of Granite State Gas Transmission, Inc. (Granite State), for Bay State Gas Company (Bay State) as recipient of the natural gas storage service authorized in said order, 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 October 31, 1980, it was authorized to render long-term natural gas storage services to Bay State pursuant to a storage service agreement between Petitioner and Bay State dated February 18, 1980.

It is submitted that Granite State, an affiliate of Bay State, has proposed to effect a realignment of various gas supply, transportation, and sales arrangements between and among Bay State, Granite State and Northern Utilities, Inc., another affiliate of Bay State.

Petitioner asserts that upon consummation of the proposed realignment Bay State proposes to assign to Granite State its rights and obligations under the February 18, 1980, agreement between Petitioner and Bay State.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 15, 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. 81-9564 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-68]

Delvan Development Corp., Ciba-Geigy Corp.; Third Informal Public Conference

Issued: March 24, 1981.

Take notice that on Friday, March 27, 1981, the Staff of the Federal Energy Regulatory Commission (Commission) will convene a third informal public conference concerning the matters in the above-described docket. The conference will be open to the public and will begin at 11:30 a.m. in one of the hearing rooms of the Commission, as designated on the premises.

The conferences will be held in conjunction with an informal staff conference simultaneously convened by the Staff in Docket No. SA80-8, *Wallace Energy Corporation.*

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9565 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 24, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION								
•ANERADA HESS CORPORATION								
0180364	81-354	1711380976	102		RECEIVED: 08/08/81 JAI LA PACIANE NO 4 PACIANE RA SUA	SANCKER	661.0	LOUISIANA RESOURCES
0180363	81-373	1711320894	102		MAYARO 13700 RA SUC #1	ESTHER	1138.0	LOUISIANA RESOURCES
0180362	81-353	1711380847	102		SABRERA HEIRS #8	ESTHER	693.0	LOUISIANA RESOURCES
•AMOCO PRODUCTION CO					RECEIVED: 08/08/81 JAI LA			
0180353	81-480	1709380498	103		E C MILLER #8 8J M 9430 SU	SOUTH JENNINGS	178.0	UNITED GAS PIPELINE
0180374	81-364	1709381807	103		MIAMI CORPORATION NO 35	SOUTH PECAN LAKE	730.0	COLUMBIA GAS TRANSMI
•0180381	81-418	1703380008	107		T D BICKHAM JR #2 16400 TUSC RA SUJ	PORT HUDSON	0.0	LOUISIANA INTRASTATE
•ARKLA EXPLORATION COMPANY					RECEIVED: 08/08/81 JAI LA			
0180385	81-485	1707522743	102		STEINBERG #1	TIGERS RIDGE	368.0	SOUTHERN NATURAL GAS
•ART MACHIN & ASSOCIATES INC					RECEIVED: 08/08/81 JAI LA			
0180480	81-381	1711980283	103		ERMA SIMMS JONES #1 PET RA SUOO	NORTH SHONGALOO - RED RO	18.0	UNITED GAS PIPE LINE
•B J LONG					RECEIVED: 08/08/81 JAI LA			
0180481	81-383	1708120668	102		LOUISIANA-PACIFIC #1	MCCLELLEN	88.0	UNITED GAS PIPE LINE
•BASS ENTERPRISES PRODUCTION CO					RECEIVED: 08/08/81 JAI LA			
0180483	81-375	1706180158	102		J L SMITH JR #1 CV DAVIS RB SUB	MIDDLEFORK	880.0	MISSISSIPPI RIVER TR
•BORDEN INC					RECEIVED: 08/08/81 JAI LA			
0180317	81-484	1710181179	107		FAIRFAX-FOSTER-SUTLEY #1	EAST FRANKLIN	0.0	
•CALDWELL DRILLING CO INC					RECEIVED: 08/08/81 JAI LA			
0180489	81-388	1707381449	108		AC WHITE EST #5	MONROE GAS	80.0	MID LOUISIANA GAS CO
0180490	81-389	1707381430	108		AC WHITE EST #6	MONROE GAS	80.0	MID LOUISIANA GAS CO
0180491	81-390	1707381482	108		AC WHITE EST #7	MONROE GAS	80.0	MID LOUISIANA GAS CO
•CHEVRON U S A INC					RECEIVED: 08/08/81 JAI LA			
•0180362	81-355	1707780836	107		C A ROUSON NO 1 U TUSC RA SUB	JUDGE DIBBY	268.0	SUGAR BOWL GAS CORP
•0180345	81-444	1708180883	103		FLEMING PLANTATION 1-39	SARATARIA	0.0	UNITED GAS PIPE LINE
0180482	81-350	1707380718	103		I R PRICE ET AL NO 89	COQUILLE BAY	660.0	SOUTHERN NATURAL GAS
0180365	81-505	1709780882	107		J B LOWREY #1 18300 TUSC RA SUA	ELBA	0.0	TRANSCONTINENTAL GAS
•COTTON PETROLEUM CORPORATION					RECEIVED: 08/08/81 JAI LA			
0180431	81-383	1700180883	103		M LEBER NO 3	CRANLEY	12.0	TENNESSEE GAS PIPELI
0180464	81-396	1701381446	103		TOOKE ET AL NO 1	ELM GROVE	880.0	SOUTHWESTERN ELECTRI
•CRYSTAL OIL COMPANY					RECEIVED: 08/08/81 JAI LA			
0180486	81-386	1701381484	103		HUNTER #1	ARKANA	140.0	ARKANSAS LOUISIANA G
0180487	81-389	1701381488	103		INTERNATIONAL PAPER CO B #1	ARKANA	488.0	ARKANSAS LOUISIANA G
•DANIEL OIL COMPANY					RECEIVED: 08/08/81 JAI LA			
0180488	81-378	1709920848	103		B L B168 #1 SERIAL #170087	SIMON PASS	100.0	TEXAS GAS TRANSMISSI
•DAVID L COX					RECEIVED: 08/08/81 JAI LA			
0180518	81-485	1711381045	102		BUY RAINER BROUSSARD 2 NO 1	SANCKER	730.0	LOUISIANA RESOURCES
•ELDER CO INC					RECEIVED: 08/08/81 JAI LA			
0180403	81-395	1701723438	103		D SIMPSON NO 8	GREENWOOD-WASKOM	0.0	ARKANSAS LOUISIANA G
0180540	81-445	1701723788	103		J W HUDSON ETAL NO 3 PKY SUE	GREENWOOD - WASKOM	90.0	ARKLA GAS CO
0180541	81-443	1701723787	103		SONIAT #2 PKY SUB N	GREENWOOD-WASKOM	90.0	TEXAS EASTERN TRANSM

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
•ELI REDICH								
8180486	81-385	1703100908	108		RECEIVED: 03/02/81 JAI LA BARLEY NO 4 (SN 111402)	CANADIAN BAYOU	18.0	TEXAS EASTERN TRANSM
•EXPLORER RESOURCES INC					RECEIVED: 03/02/81 JAI LA			
8180469	81-361	1703181366	103		CONTINENTAL GROUP #1	GROBAN	128.0	TENNESSEE GAS PIPELI
•EXXON CORPORATION					RECEIVED: 03/02/81 JAI LA			
8180387	81-277	1709920642	103		BOODRICH C 815 DL OPERC 8 RA BU	DUCK LAKE	4.0	UNITED GAS PIPE LINE
•FRANKS & PETROFUNDS INC					RECEIVED: 03/05/81 JAI LA			
8180480	81-378	1701380378	103		E M MERRITT A NO 1-D MOSS A SUL	WEST BRYCELAND	300.0	TEXAS EASTERN TRANSM
•FRANKS PETROLEUM INC ETAL					RECEIVED: 03/05/81 JAI LA			
8180466	81-328	1707381289	103		PARNELL A NO 1 MOSS 8200 RA SUA	NORTH CARLTON	180.0	SOUTHERN NATURAL GAS
•FRANKS-EVANS					RECEIVED: 03/02/81 JAI LA			
8180356	81-248	1701380374	103		ROCHELLE NO 1-D MOSS A SUGG	WEST BRYCELAND	300.0	LOUISIANA GAS PURCHA
•GAS RESOURCES INC					RECEIVED: 03/05/81 JAI LA			
8180441	81-333	1711128672	103		EXXON #9	MONROE GAS	18.0	INC EXPLORATION CO I
•GATOR HANK GAS CO					RECEIVED: 02/05/81 JAI LA			
8180380	81-270	1707381847	108		BARDIN #1	MONROE	16.2	UNITED GAS PIPELINE
8180470	81-362	1707381428	108		BARDIN #3	MONROE	9.2	UNITED GAS PIPELINE
8180473	81-365	1707381429	108		BARDIN #4	MONROE	9.2	UNITED GAS PIPELINE
8180381	81-271	1707381430	108		BARDIN #5	MONROE	9.3	UNITED GAS PIPELINE
8180382	81-272	1707381431	108		BARDIN #6	MONROE	16.2	UNITED GAS PIPELINE
8180472	81-364	1707381440	108		BARDIN #7	MONROE	16.2	UNITED GAS PIPELINE
8180471	81-363	1707381441	108		BARDIN #8	MONROE	16.2	UNITED GAS PIPELINE
•GEORGE BARRON					RECEIVED: 03/05/81 JAI LA			
8180481	81-373	1705921828	103		LA PAC NO 1	OLLA	0.0	TRUNK LINE GAS CO
•GEORGE R SCHURMAN					RECEIVED: 02/05/81 JAI LA			
8180465	81-257	1703181228	103		W J COLBERT #8	SPIDER FIELD	360.0	LOUISIANA INTRASTATE
•GLENDA PETROLEUM CORP					RECEIVED: 02/05/81 JAI LA			
8180446	81-238	1711128202	108		OARBONNE CO 1 #1 S/N 167148	MONROE	18.6	MID LA GAS CO
8180376	81-266	1711128293	108		OARBONNE CO 22 #1 S/N 167782	MONROE	18.6	MID LOUISIANA GAS CO
8180377	81-267	1711128295	108		OARBONNE CO 22 #2 S/N 167810	MONROE	18.6	MID LOUISIANA GAS CO
8180378	81-268	1711128298	108		HAYS #3 S/N 168426	MONROE	16.2	MID-LOUISIANA GAS CO
8180379	81-269	1711128299	108		HAYS #4 S/N 168267	MONROE	16.2	MID LOUISIANA GAS CO
8180460	81-332	1711128262	108		RABUN 1 #8 S/N 168193	MONROE	16.2	MID LOUISIANA GAS CO
8180467	81-339	1711128283	108		RABUN 3 #1 S/N 168210	MONROE	14.3	MID LOUISIANA GAS CO
8180468	81-280	1711128284	108		RABUN 3 #2 S/N 168511	MONROE	14.6	MID LA GAS CO
8180450	81-342	1711128607	108		RABUN 3 #3 S/N 168534	MONROE	15.6	MID LA GAS CO
8180449	81-381	1711128688	108		RABUN 3 #4 S/N 168535	MONROE	16.6	MID LA GAS CO
•GOLDKING PRODUCTION COMPANY					RECEIVED: 03/05/81 JAI LA			
8180433	81-328	1701920897	103		GREGIS GRASS #1 (166331)	HAYES	0.0	
•GRACE PETROLEUM CORPORATION					RECEIVED: 03/05/81 JAI LA			
8180359	81-249	1701783282	103		ISABEL 2 NO 1	LONGWOOD	328.0	ARKANSAS LOUISIANA G
8180361	81-221	1701783367	103		MONEYMAN NO 4	LONGWOOD FIELD	435.0	ARKANSAS LOUISIANA G
•GREAT SOUTHERN OIL & GAS CO INC					RECEIVED: 02/05/81 JAI LA			
8180463	81-446	1703381400	103		HOLLAND #1 8450 RUA	BIG LAKE	381.0	TENNESSEE GAS PIPELI
•GUERNSEY PETROLEUM CORPORATION					RECEIVED: 02/05/81 JAI LA			
8180432	81-328	1703181363	103		BAILEY NO 1	BENSON	322.0	LOUISIANA INTRASTATE
8180452	81-344	1703181417	103		BETTY POLLOCK ET AL NO 1	SPIDER	108.0	LOUISIANA INTRASTATE
8180387	81-349	1703102169	103		FRANKLIN NO 2	EAST SPIDER	84.0	MID LOUISIANA GAS CO
8180453	81-365	1703181298	103		MARY NEWELL NO 1	WILCAT	180.0	LOUISIANA INTRASTATE
8180386	81-448	1703181107	103		VALENTINE NO 1	WILCAT	164.0	MID LOUISIANA GAS CO
•GULF OIL CORPORATION					RECEIVED: 02/05/81 JAI LA			
8180366	81-286	1772780118	108		CCS 51 N VOA SL 7203 WELL NO 1	CHANDELEUR SOUND BLOCK 5	350.0	SOUTHERN NATURAL GAS

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
8180458	81-346	1707502757	103	GB YA RC SU BL 195 GG #310	QUARANTINE BAY	55.0	UNITED GAS PIPELINE
*HILLIARD OIL & GAS INC				RECEIVED: 03/02/81 JAI LA			
8180357	80-3695	1711320994	102	T GUIRE #1	ERATH 3663	125.0	DOW CHEMICAL U S A
*HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 03/02/81 JAI LA			
8180373	81-263	1703321377	103	S L 3429 #1	NORTH SABINE LAKE	650.0	TRANSCONTINENTAL GAS
8180372	81-262	1706301315	103	S L 7555 #1	NORTH SABINE LAKE	819.0	TRANSCONTINENTAL GAS
*JAMES A WHITSON JR				RECEIVED: 03/03/81 JAI LA			
8180396	81-286	1702721744	103	PELTO OIL CO ET AL NO 4	NORTH THIBODEAUX	0.0	SUGAR BOWL GAS CORP
*JIM V MADDOX				RECEIVED: 03/02/81 JAI LA			
8180442	81-334	1711102171	108	WHITE #1	MONROE	6.0	MID LOUISIANA GAS CO
*JOHN L COPELAND				RECEIVED: 03/02/81 JAI LA			
8180356	80-3611	1706900147	108	PAROEE NO 1 (168203)	CRESTON	180.0	UNITED GAS PIPE LINE
*JUSTISS-MEARS OIL CO INC				RECEIVED: 03/02/81 JAI LA			
8180359	81-441	1707300748	108	MILDLIFE 1 CV RA SUD A	MILHAVEN	164.0	LOUISIANA INTRASTATE
*KARCO PRODUCTION CO				RECEIVED: 03/02/81 JAI LA			
8180435	81-327	1710700368	103	FISHER LBR CO NO 1 LFO LT SU	LAKE FONNOSA	110.0	LOCUST RIDGE GAS CO
*L&B EXPLORATION INC				RECEIVED: 03/02/81 JAI LA			
8180479	81-371	1700320138	103	KNOBT NO 1	SORRENTO	100.0	
*NALMAC ENERGY				RECEIVED: 03/02/81 JAI LA			
8180443	81-335	1711122888	108	EXXON 12 #1	MONROE GAS	12.0	WEST MONROE GAS BATH
8180442	81-337	1711102829	108	EXXON 12 #2	MONROE GAS	4.0	WEST MONROE GAS BATH
8180444	81-336	1711122366	108	EXXON 12 #5	MONROE	4.0	WEST MONROE GAS BATH
*MARATHON OIL COMPANY				RECEIVED: 03/02/81 JAI LA			
8180434	81-326	1711900871	103	MOC PAROEE WELL NO 2 CV JRB SU	COTTON VALLEY	133.0	UNITED GAS PIPE LINE
8180438	81-330	1701723580	103	SIDNEY L HEROLD ET AL WELL #80	GREENWOOD-WASKOM	121.0	ARKANSAS LOUISIANA G
8180424	81-383	1711300863	108	M OURKE NO 1 TH SIPH DAV 1 SU	THEALL	3.0	UNITED GAS PIPE LINE
*MARSHALL EXPLORATION INC				RECEIVED: 02/02/81 JAI LA			
8180486	81-316	1703100914	108	F L GALBREATH #1 FBB RA SU 19	LOGANSPORT	16.0	TENNESSEE GAS PIPELI
8180402	81-294	1703120040	103	FONVILLE #1 FBB RA SU 107	LOGANSPORT	0.0	TENNESSEE GAS PIPELI
8180399	81-291	1703120071	103	HORN #2 FBB RA SU 91	LOGANSPORT	0.0	TENNESSEE GAS PIPELI
8180483	81-313	1703100703	108	J A HARRISON ET AL #1 FBB RA SU 13	LOGANSPORT	19.0	TENNESSEE GAS PIPELI
8180400	81-292	1703120011	103	JAMES A PACE #1 FBB RA SU 40	LOGANSPORT	36.3	LOUISIANA INTRASTATE
*8180401	81-293	1703120012	103	NATTIE NORINE FOSHEE #1	LOGANSPORT	20.0	LOUISIANA INTRASTATE
8180398	81-290	1703120010	103	NRS TATE YARBROUGH #1 FBB RA SU 68	LOGANSPORT	237.5	TENNESSEE GAS PIPELI
8180486	81-312	1703100704	108	PYLE-FOSHEE #1 FBB RA SU 39	LOGANSPORT	19.0	SOUTHERN NATURAL GAS
8180482	81-314	1703100707	108	RAMSEY ET AL #1 FBB RA SU 41	LOGANSPORT	19.0	TENNESSEE GAS PIPELI
8180481	81-315	1703100391	108	RAMSEY ET AL #3 FBB RA SU 39	LOGANSPORT	19.0	TENNESSEE GAS PIPELI
8180482	81-317	1703100706	108	RAMSEY ET AL #8 FBB RA SU 16	LOGANSPORT	16.0	TENNESSEE GAS PIPELI
*MID LOUISIANA GAS COMPANY				RECEIVED: 03/02/81 JAI LA			
8180487	81-429	1711101382	108	NLGC FEE GAS NO 662	MONROE FIELD	22.0	
8180493	81-398	1711101394	108	NLGC FEE GAS NO 681	MONROE FIELD	12.9	
8180494	81-295	1711101451	108	NLGC FEE GAS NO 626	MONROE FIELD	4.7	
8180495	81-394	1711101494	108	NLGC FEE GAS NO 692	MONROE FIELD	15.4	
8180492	81-391	1711101492	108	NLGC FEE GAS NO 694	MONROE FIELD	14.3	
8180515	81-414	1711101402	108	NLGC FEE GAS NO 704	MONROE FIELD	20.8	
8180248	81-416	1711101619	108	NLGC FEE GAS NO 734	MONROE FIELD	14.2	
8180580	81-417	1711101622	108	NLGC FEE GAS NO 740	MONROE FIELD	19.5	
8180516	81-415	1711101623	108	NLGC FEE GAS NO 741	MONROE FIELD	17.3	
8180212	81-411	1711101624	108	NLGC FEE GAS NO 742	MONROE FIELD	20.1	
8180213	81-412	1711101649	108	NLGC FEE GAS NO 748	MONROE FIELD	20.3	
8180214	81-413	1711101686	108	NLGC FEE GAS NO 790	MONROE FIELD	21.3	
8180203	81-402	1711101921	108	NLGC FEE GAS NO 809	MONROE FIELD	14.1	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
E120809	81-408	17111E21944	108		MLOC FEE GAS NO 814	MONROE FIELD	18.E	
8120E10	81-409	17111E1945	108		MLOC FEE GAS NO 813	MONROE FIELD	E0.9	
8120811	81-810	17111E1961	108		MLOC FEE GAS NO 831	MONROE FIELD	7.8	
81E0E06	81-40E	1711121971	108		MLOC FEE GAS NO 841	MONROE FIELD	15.3	
8120E07	81-406	17111E1980	108		MLOC FEE GAS NO E44	MONROE FIELD	6.1	
8120808	81-407	17111E1982	108		MLOC FEE GAS NO E46	MONROE FIELD	20.8	
8120802	81-801	1711122136	108		MLOC FEE GAS NO 866	MONROE FIELD	1E.0	
8120E08	81-803	1711122413	108		MLOC FEE GAS NO 877	MONROE FIELD	13.1	
8120809	81-408	1711122417	108		MLOC FEE GAS NO 881	MONROE FIELD	18.3	
8120878	81-867	17073E1604	103		MLOC-STC = JOINT VENTURE #E0	MONROE FIELD	78.7	
8120478	81-866	17073E1609	103		MLOC-STC = JOINT VENTURE #E1	MONROE FIELD	6E.7	
E120416	81-208	17073E160E	103		MLOC-STC = JOINT VENTURE #E2	MONROE FIELD	31.3	
8120817	81-209	1711122828	103		MLOC-STC = JOINT VENTURE #E4	MONROE FIELD	73.0	
E120418	81-310	1711122826	103		MLOC-STC = JOINT VENTURE #E5	MONROE FIELD	63.7	
E120419	81-311	1711122836	103		MLOC-STC = JOINT VENTURE #E6	MONROE FIELD	80.3	
8120820	81-318	1711122827	103		MLOC-STC = JOINT VENTURE #E7	MONROE FIELD	70.8	
=MOORE MCCORMACK OIL & GAS CORP					RECEIVED: 05/08/81 JAS LA			
8120458	81-847	1700120702	103		MORDELLO VINCENT #9	EAST RICHIE	8.4	TRANSCONTINENTAL GAS
=OLIDITT PRODUCTION INC					RECEIVED: 05/08/81 JAS LA			
8120461	81-395	17067E1614	103		OLIVER #4 171679	MONROE GAS FIELD	0.0	I M C CORP
8120462	81-398	17067E1618	103		OLIVER #5 171944	MONROE GAS FIELD	0.0	I M C CORP
=RAR OIL CORPORATION					RECEIVED: 05/08/81 JAS LA			
=8120360	81-2E0	1702720778	103		DICK NO 1 ROES 80 MM	ATHENS	182.0	ARKANSAS LOUISIANA G
=PAXTON PETROLEUM LTD					RECEIVED: 05/08/81 JAS LA			
8120488	81-3E8	17077E0094	108		M O WATSON NO 1 SERIAL NO 126 148	BAYOU LATENACHE	15.0	TEXAS EASTERN TRANSM
=PELLTEK OIL COMPANY INC					RECEIVED: 05/08/81 JAS LA			
8120386	81-276	1702321443	107		HERMENTAU MINERAL LAND CO NO 1	E CHENIER PERDUE	300.0	
=PETROLEUM FUTURES/CHAPMAN OIL					RECEIVED: 05/08/81 JAS LA			
8120388	81-278	1701120313	103		POWELL LUMBER COMPANY #1	COMPEN CREEK FIELD	164.0	TRANSCONTINENTAL GAS
=PLACID OIL COMPANY					RECEIVED: 05/08/81 JAS LA			
8120486	81-987	1708921777	103		IPS LLO LIC NO 4	LITTLE CREEK	0.0	
8120487	81-386	1709921719	103		IPS 1 NO 1	LITTLE CREEK	98.0	
=PRINCE PRODUCTION CO					RECEIVED: 05/08/81 JAS LA			
8120833	81-835	1711122891	103		PETRO-LEWIS FROST LUMBER #82	MONROE	14.4	PETRO-LEWIS FUNDS IN
8120838	81-436	1711122912	103		PETRO-LEWIS FROST LUMBER #E3	MONROE	18.3	PETRO LEWIS FUNDS IN
8120832	81-434	1711122882	103		PETRO-LEWIS FROST LUMBER #7	MONROE	16.4	PETRO LEWIS FUNDS IN
E120822	81-430	1711122489	103		PETRO-LEWIS J & RANDY #1	MONROE	15.3	PETRO-LEWIS FUNDS IN
8120830	81-432	1711122889	103		PETRO-LEWIS A H PACE #1	MONROE	17.8	PETRO-LEWIS FUNDS IN
8120837	81-439	1711122831	103		PETRO-LEWIS MARY O WHEELER #2	MONROE	14.4	PETRO-LEWIS FUNDS IN
E120829	81-431	1711122903	103		PETRO-LEWIS NATTMENS #1	MONROE	16.4	PETRO-LEWIS FUNDS IN
8120E36	81-43E	1711122838	103		PETRO-LEWIS UNION POWER #1E	MONROE	14.4	PETRO-LEWIS FUNDS IN
8120838	81-437	1711122833	103		PETRO-LEWIS UNION POWER #9	MONROE	18.4	PETRO-LEWIS FUNDS IN
8120831	81-433	1711122887	103		PETRO-LEWIS UNION PROD FEE 113 #8	MONROE	18.4	PETRO-LEWIS FUNDS IN
=POES INC					RECEIVED: 05/08/81 JAS LA			
8120430	81-822	1711122820	108		J T SPENCER #4	MONROE	8.4	TEXAS GAS TRANSMISSI
8120429	81-821	1711122821	108		J T SPENCER #3	MONROE	9.0	TEXAS GAS TRANSMISSI
8120828	81-320	1711122819	10E		MARY SCHWAB #2	MONROE	7.4	TEXAS GAS TRANSMISSI
=RELRANGE TR-JV					RECEIVED: 05/05/81 JAS LA			
8120410	81-302	1711122213	108		M J JOHNSON #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8120406	81-298	1711122214	108		M J JOHNSON #2	MONROE GAS FIELD	11.0	TEXAS GAS TRANSMISSI
8120409	81-301	1711122E3E	108		HOPKINS #4	MONROE	11.0	TEXAS GAS TRANSMISSI
8120476	81-368	1711122166	108		HOPKINS ESTATE #1	MONROE	17.0	TEXAS GAS TRANSMISSI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120408	81-300	1711182613	104		HOPKINS ESTATE #6	MONROE	11.0	TEXAS GAS TRANSMISSI
8120407	81-299	1711182669	104		J D TAYLOR #2	MONROE	15.0	TEXAS GAS TRANSMISSI
8120413	81-305	1711182611	108		J D TAYLOR #3	MONROE	11.0	TEXAS GAS TRANSMISSI
8120412	81-304	1711182687	104		J D TAYLOR #5	MONROE	15.0	TEXAS GAS TRANSMISSI
8120404	81-296	1711182164	108		OLINKRAFT #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8120405	81-297	1711182165	108		OLINKRAFT #2	MONROE	13.0	TEXAS GAS TRANSMISSI
8120411	81-303	1711182212	108		T BAKER #2	MONROE	11.0	TEXAS GAS TRANSMISSI
-RELIANCE TRUSTS					RECEIVED: 07/17/80 JA: LA			
8120355	80-8236	1711182097	108		OLINKRAFT #24	MONROE	11.0	TEXAS GAS TRANSMISSI
-RELIANCE TRUSTS					RECEIVED: 03/02/81 JA: LA			
8120414	81-306	1711182109	108		OLINKRAFT #25	MONROE	11.0	TEXAS GAS TRANSMISSI
8120418	81-307	1711182531	104		T L JAMES #2	MONROE	11.0	TEXAS GAS TRANSMISSI
-RICHARD B NELSON ET AL					RECEIVED: 03/02/81 JA: LA			
8120397	81-289	1711980232	103		BURSON HEIRS A NO 1	ADA	150.0	ARKANSAS LOUISIANA G
-ROGERSON WELL SERVICE					RECEIVED: 03/02/81 JA: LA			
8120496	81-305	1707821644	103		PENNZOIL OSTERLAND #8	MONROE	14.1	UNITED GAS PIPELINE
8120497	81-306	1707821647	103		PENNZOIL OSTERLAND NO 1	MONROE	14.1	UNITED GAS PIPELINE
8120498	81-307	1707821649	103		PENNZOIL OSTERLAND NO 2	MONROE	14.1	UNITED GAS PIPELINE
8120499	81-308	1707821650	103		PENNZOIL OSTERLAND NO 4	MONROE	14.1	UNITED GAS PIPELINE
8120501	81-400	1707821668	103		PENNZOIL OSTERLAND NO 6	MONROE	14.1	UNITED GAS PIPELINE
8120500	81-309	1707321669	103		PENNZOIL OSTERLAND NO 7	MONROE	14.1	UNITED GAS PIPELINE
-SEVARS COMPANY INC					RECEIVED: 03/02/81 JA: LA			
8120398	81-284	1709720608	103		DOSSMAN EST NO 1 GUILLORY SU 8	SAVOY FIELD	78.0	TEXAS EASTERN TRANSM
8120271	81-261	1700120078	103		H B VAUTROT EST NO 2	SAVOY RALLEY	183.0	MONTEREY PIPELINE CO
8120284	81-274	1703920619	103		J B LAFLEUR NO 1 CF RA SUB	NORTH SAVOY FIELD	240.0	TEXAS EASTERN TRANSM
-SHELL OIL CO					RECEIVED: 03/02/81 JA: LA			
8120324	81-421	1706320020	107		M E CARAWAY NO 1	WILDCAT (WATSON AREA)	90.0	
8120319	81-426	1704720501	102		WILBERT NO 241 SERIAL NO 160724	WHITE CASTLE	0.0	FLORIDA GAS TRANSMIS
-SIGNAL PETROLEUM					RECEIVED: 02/02/81 JA: LA			
*8120338	81-440	1707322760	103		LW 81 RA SU- B/L 8104 #10	LAKE WASHINGTON	44.0	SOUTHERN NATURAL GAS
8120329	81-281	1707322672	103		VUI B/L 8068 #16	LAKE WASHINGTON	73.0	SOUTHERN NATURAL GAS
-SOURCE PETROLEUM INC					RECEIVED: 02/02/81 JA: LA			
8120378	81-265	1700220191	103		JAMES POURTEAU ET AL NO 1	SUNCHY CREEK	0.0	
-SOUTH LOUISIANA PRODUCTION CO INC					RECEIVED: 03/03/81 JA: LA			
*8120367	81-287	1708320099	107		MCCOLLESTER #1 17600 TUSC RA SUD	IRENE	0.0	TRANSCONTINENTAL GAS
-SOUTHERN NATURAL GAS COMPANY					RECEIVED: 02/02/81 JA: LA			
8120440	81-332	1710922187	103		EXXON FEE RO 1-D MTB TEK M SU	MONTEGUT	19.3	SOUTHERN NATURAL GAS
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/02/81 JA: LA			
8120439	81-331	1702121198	103		D N BELL NO 1	TRENTON	78.0	TENNESSEE GAS PIPELI
8120467	81-389	1708320456	103		DELHI UT NO 118-B	DELHI	0.0	TEXAS EASTERN TRANSM
-TEXACO INC					RECEIVED: 03/02/81 JA: LA			
8120463	81-335	1710922380	103		CAILLOU ISLAND NO 12 SL 8986	CAILLOU ISLAND	87.0	KAISER ALUMINUM & CH
8120344	81-446	1711320990	102		FELIX VALLOT B	GROSSE ISLE	12.3	
8120370	81-260	1708721640	103		LATERRE CO INC 871	GOLDEN MEADOW	73.0	KAISER ALUMINUM & CH
*8120368	81-447	1710121131	103		MIAMI CORPORATION E TR-B 4	COTE BLANCHE ISLAND	0.0	SUGAR BOWL GAS CORP
8120468	81-360	1770920841	103		RABBIT ISLAND #193 SL 340	RABBIT ISLAND	14.6	KAISER ALUMINUM & CH
8120477	81-369	1770920848	103		RIS 10000 AB RD SU SL 340 NO 194	RABBIT ISLAND 7876	401.8	KAISER ALUMINUM & CH
8120393	81-285	1770920822	103		RIS 9700 RDL SU SL 340 NO 184	RABBIT ISLAND	100.8	KAISER ALUMINUM & CH
8120478	81-370	1770920826	103		RIS 9700 RK SU SL 340 NO 190	RABBIT ISLAND	360.0	KAISER ALUMINUM & CH
-THE STONE OIL CORPORATION					RECEIVED: 03/03/81 JA: LA			
8120427	81-319	1708721717	107		SABINE CORPORATION #2	RACELAND	0.0	
-UNION OIL COMPANY OF CALIF					RECEIVED: 03/03/81 JA: LA			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120322	81-419	1708920429	103		GATX NO 15 P RA SUU	GOOD HOPE	40.0	UNITED GAS PIPE LINE
8120369	81-859	1710982275	103		LATERRE C WELL NO 12 LPG SU	LAKE PASIE	300.0	TEXAS GAS TRANSMISSI
8120368	81-858	1705721382	103		STATE LEASE 3088 WELL NO 16	TIMBALIER BAY	875.0	UNITED GAS PIPE LINE
8120394	81-886	1711321041	103		VERMILION SCHOOL BOARD B #14	EAST WHITE LAKE	10.0	
8120398	81-887	1708321148	103		YOUNT LEE OIL COMPANY NO 66	SWEET LAKE	36.0	COLUMBIA GAS TRANSMI
•VERNON E FAULCONER					RECEIVED: 03/09/81 JAS LA			
8120388	81-875	1708302488	108		J F STURLESE S-1 VUA #113013	PRICE LAKE	19.0	SUGAR BOWL GAS CORP
•WICKER LA CENT & CLOVELLY					RECEIVED: 03/09/81 JAS LA			
8120436	81-328	1708120678	103		MIN #1	SOUTH CLARKS	0.0	LOUISIANA INTRASTATE
8120437	81-329	1708120711	103		MIN #3 LA CENTL	SOUTH CLARKS	73.0	LOUISIANA INTRASTATE
•WILLIAMS EXPLORATION COMPANY					RECEIVED: 03/09/81 JAS LA			
8120326	81-483	1708321160	107		J W MECOM FEE NO 4	SECOND BAYOU	1286.0	LOUISIANA RESOURCES
8120390	81-882	1708321344	102		AUDO NO 1 CLARK RA SUC	NORTH CREOLE	0.0	LOUISIANA RESOURCES
8120391	81-883	1708321868	102		VALLETTE NO 1 CLARK RA SUB	NORTH CREOLE	0.0	LOUISIANA RESOURCES

OTHER PURCHASERS VOLUME NO 1392

8120360	LOUISIANA GAS INTRASTATE INC
8120362	SOUTHERN NATURAL GAS CO
8120367	TEXAS GAS TRANS CORP
8120401	TENNESSEE GAS PL CO
8120521	TEXAS GAS TRANS CORP
8120538	TENNESSEE GAS TRANS CO
8120542	CHEVRON CHEMICAL CO
8120545	ASHLAND OIL INC

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9598 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

Issued: March 24, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD								
•ELF AQUITAINE INC					RECEIVED: 03/09/81 JA: MS			
8180884	1-81-483	2308720038	102		RALPH THOMAS 3-10	CALEDONIA	182.5	
•GULF OIL CORPORATION					RECEIVED: 03/09/81 JA: MS			
8180882	109-80-11	2307320222	103		MRS L T SIMPSON NO 12	BAXTERVILLE	0.0	UNITED GAS PIPE LINE
•KILROY CO OF TEXAS					RECEIVED: 03/09/81 JA: MS			
8180886	9-81-361	2302920002	102		R O SANDERS #2	GLANCY	584.0	MISSISSIPPI FUEL CO
•OWEN OIL CO INC					RECEIVED: 03/09/81 JA: MS			
8180881	112-80-32	2306320298	102		LOGAN A NO 2 WELL	ROONEY FIELD	175.0	LOCUST RIDGE GAS PRO
8180881	112-80-32	2306320298	103		LOGAN A NO 2 WELL	ROONEY FIELD	175.0	LOCUST RIDGE GAS PRO
•SYSTEM FUELS INC					RECEIVED: 03/09/81 JA: MS			
8180883	6-81-420	2306920160	107		WALTER JONES 2508 WELL NO 1	HOLIDAY CREEK FIELD	92.0	
•TOMLINSON INTERESTS INC					RECEIVED: 03/09/81 JA: MS			
8180885	9-81-467	2309120121	107		JERRY THORNHILL #2	EAST MORGANTOWN	4.0	TRANSCONTINENTAL GAS
MONTANA BOARD OF OIL & GAS CONSERVATION								
•MAPCO PRODUCTION COMPANY					RECEIVED: 03/10/81 JA: MT			
8180892	11-80-831	2510121817	102		BRAMMER #1-34	WILDCAT	28.8	MONTANA POWER CO
8180891	11-80-832	2510121879	102		WILSON #1-4	ANTELOPE COULEE	17.3	MONTANA POWER CO
8180890	11-80-830	2510121788	102		MOHLRAGE #1-3	WILDCAT	104.0	MONTANA POWER CO
OKLAHOMA CORPORATION COMMISSION								
•BERRY PETROLEUM CORP					RECEIVED: 03/06/81 JA: OK			
8180896	07878	3504722013	103		KEMNEMUND NO 6-1	SOONER TREND	0.0	UNION TEXAS PETROLEU
•CARL E GUNGOLL					RECEIVED: 03/06/81 JA: OK			
8180866	07438	3504721999	103		WINCHESTER #3	SOONER TREND	36.5	UNION TEXAS PETROLEU
•CHAMPLIN PETROLEUM COMPANY					RECEIVED: 03/06/81 JA: OK			
8180895	07812	3507300000	108		CHARLES A HARRIS NO 1	DOVER-HENNESSEY	6.0	MUSTANG FUEL CORP
8180868	07810	3507300000	108		CHARLES A HARRIS NO 2	DOVER-HENNESSEY	6.0	MUSTANG FUEL CORP
8180884	07809	3508300000	108		H E C CATRON NO 1	CASHION	20.0	CITIES SERVICE OIL C
•CHASE EXPLORATION CORP					RECEIVED: 03/06/81 JA: OK			
8180885	07866	3507121400	103		DAY #2-28	NEVA	1.8	CITIES SERVICE GAS C
8180882	07868	3507121666	103		EKLUND #2-11	NEVA	9.8	CITIES SERVICE GAS C
8180871	07864	3507121640	103		NEAL #2-15	NEVA	3.1	CITIES SERVICE GAS C
8180890	07869	3507121169	103		ROWE #1-34	NEVA	5.2	CITIES SERVICE GAS C
8180878	07868	3507121533	103		VOEGELE #3-21	NEVA	6.6	CITIES SERVICE GAS C
•COTTON PETROLEUM CORPORATION					RECEIVED: 03/06/81 JA: OK			
8180881	07890	3513921297	103		COOPER NO 1	SPOONY	0.0	KANSAS NEBRASKA NATU
•E L BROOKS					RECEIVED: 03/06/81 JA: OK			
8180889	07873	3507322940	103		BRECKENRIDGE 1-26	SOONER TREND	0.0	ONG WESTERN INC

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*GASON OIL COMPANY					RECEIVED: 05/05/81 JA: OK			
0180375	07885	3504905111	103		LEDGERWOOD #1	GOLDEN TREND	18.0	CITIES SERVICE GAS
*GULF OIL CORPORATION					RECEIVED: 05/05/81 JA: OK			
0180356	07455	3507500525	103		P M PATTERSON #1-12	ALTONA	216.0	OKLAHOMA NATURAL GAS
*HARPER OIL COMPANY					RECEIVED: 05/05/81 JA: OK			
0180376	07098	3509301343	103		OAISY #1	RINGWOOD	25.0	PHILLIPS PETROLEUM C
*0180386	05444	3504701615	103		RALPH T SPOMRER #3	SOONER TREND	36.0	ARKANSAS LOUISIANA G
*HELMERICH & PAYNE INC					RECEIVED: 05/05/81 JA: OK			
0180364	10430	3500900511	107		CUPP NO 2 = VIOLA	S W MAYFIELD	200.0	MICHIGAN WISCONSIN P
*HESTON OIL CO					RECEIVED: 05/05/81 JA: OK			
0180355	07089	3811101056	108		HARRIS #13-1	N SEGGS	4.0	PHILLIPS PETROLEUM
*IMPERIAL OIL COMPANY					RECEIVED: 05/05/81 JA: OK			
0180352	07355	3515120378	108		HOLGAMOTT #1-13	HOLGAMOTT	19.0	PANHANDLE EASTERN PI
*JI CO EXPLORATION INC					RECEIVED: 05/05/81 JA: OK			
0180367	07443	3807302819	103		JICO-HARRIS #1	SOONER TREND	54.0	GASON OIL CO
*L D HARD					RECEIVED: 05/05/81 JA: OK			
0180389	07491	3508700000	105		KING #1-9	SOUTHWEST CORN	91.3	SUN GAS CO
*HASSEW & HASSEY					RECEIVED: 03/05/81 JA: OK			
0180369	07473	3804700135	103		NELSON #1 DTC #087-60194	SOUTH CRUMMOND	100.0	PHILLIPS PETROLEUM C
*HAY PETROLEUM INC					RECEIVED: 05/05/81 JA: OK			
0180373	07834	3801101440	103		COMPTON #1	WATONGA-CHICKASHA	109.3	OELMI GAS PIPELINE C
0180379	07335	3801101057	103		HINKLE #1	WATONGA TREND	292.0	OELMI GAS PIPELINE C
*HORGAN & STECHERT INC					RECEIVED: 05/06/81 JA: OK			
0180388	07478	3807300400	103		WEST FUXA #1	SOONER TREND	100.0	PANHANDLE EASTERN PI
*HRM PETROLEUM CORPORATION					RECEIVED: 05/05/81 JA: OK			
0180068	07469	3500751797	105		LULA #1	MOCANE-LAVERNE	200.0	NORTHERN NATURAL GAS
*PORTO OF CALL OIL CO					RECEIVED: 05/06/81 JA: OK			
0180351	10148	3501850963	107		TOM CAT NO 14-1	WILD CAT	0.0	MICHIGAN WISCONSIN P
0180389	07468	3801701356	103		WOODS BROS #4-8	N W YUKON	200.0	MOBIL OIL CORP
0180388	07467	3801701057	103		WOODS BROS #4-5	N W YUKON	189.0	MOBIL OIL CORP
*RALPH E PLOTNER OIL & GAS INVEST IN					RECEIVED: 05/05/81 JA: OK			
0180070	07821	3801701565	103		DARLA SUE NO 1	EAST YUKON	0.3	PHILLIPS PETROLEUM C
*RESOURCES INVESTMENT CORPORATION					RECEIVED: 05/05/81 JA: OK			
0180357	07460	3808700000	103		WELSH #1	N W NORMAN	109.8	SUN GAS CO
*RICKS EXPLORATION CO					RECEIVED: 03/05/81 JA: OK			
0180378	08888	3815180103	108		TRISSELL 7A	SAND CREEK = QUINLAND	15.0	WESTERN FARMERS ELEC
*ROGER M WHEELER					RECEIVED: 05/05/81 JA: OK			
0180377	07498	3804700000	103		BIRCHALL-CHRISTENSEN #1	S CRUMMOND	0.0	CITIES SERVICE GAS C
*SAMEDAN OIL CORPORATION					RECEIVED: 05/05/81 JA: OK		0.0	OELMI GAS PIPELINE C
0180361	07801	3501721476	103		C MEYERS NO 1-25			
*SAMSON RESOURCES COMPANY					RECEIVED: 05/05/81 JA: OK	KINTA	0.0	ARKANSAS LOUISIANA G
0180360	07300	3507720807	103		GOLDEN UNIT NO 1	SOUTH MCCURTAIN	51.1	ARKANSAS LOUISIANA G
0180387	06980	3807920570	103		HAMMOND NO 1			
*TENNECO OIL COMPANY					RECEIVED: 03/05/81 JA: OK	HILL TOP SW	98.4	
0180391	07895	3806300955	103		WILBANKS 2-30			
*TEXAS PACIFIC OIL COMPANY INC					RECEIVED: 05/05/81 JA: OK	N E VERDEN	15.9	MOBIL OIL CORP
0180363	07686	3801920819	103		MILLER #1			
*TOWNER PETROLEUM CO					RECEIVED: 05/05/81 JA: OK	NORTH OAKWOOD	182.5	OELMI GAS PIPELINE C
0180350	07850	3501108147	103		PAULSEN #30-1			
*TRANSIERRA EXPLORATION CORP					RECEIVED: 05/05/81 JA: OK	BARBER FIELD	72.0	ATLANTIC RICHFIELD C
0180362	07648	3804702177	103		PAUL MARINER NO 2	SW PRAIRIE DEM FIELD	9.0	SUN OIL CO
0180374	07495	3806101042	105		STATE SCHOOL LAND NO 8			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-WILLIAM M FULLER(ADEMAR CO)					RECEIVED: 03/05/81 JA: OK			
8120855	07415	3515321073	103		EASON NO 1	SHARON WEST	365.0	NORTHERN NATURAL GAS
-WILLIAM M88 PROPERTIES INC					RECEIVED: 03/06/81 JA: OK			
8120890	05648	3507322339	103		MLADIK 3 NO 1 (RED FORK)	SOONER TREND	32.9	PHILLIPS PETROLEUM C
**********								
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
**********								
-FOX OIL & GAS INC					RECEIVED: 02/13/81 JA: PA			
8120889	5133	3712921424	108		DOM NEFFE #1	SOUTH HUNTINGDON	12.2	LOUDEN PROPERTIES CO
**********								
UTAH DIVISION OF OIL, GAS, & MINING								
**********								
-FRANK B ADAMS					RECEIVED: 03/06/81 JA: UT			
8120898	K-104-1(8)	4301930351	102		ADAMS & GIBSON #1 JOUPLAS	GREATER CISCO AREA	0.0	NORTHWEST PIPELINE C
**********								
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
**********								
-ALPHA TWENTY-ONE PRODUCTION CO					RECEIVED: 03/06/81 JA: NM 4			
8120608	NM 1706-80	3002526724	103		HARRISON FEDERAL NO 3	YATES - SEVEN RIVERS - J	36.0	EL PASO NATURAL GAS
-AMERADA HESS CORPORATION					RECEIVED: 03/06/81 JA: NM 4			
8120864	NM-1841-80	3003921369	108		J APACHE M TR 2 #3	SOUTH BLANCO	15.1	EL PASO NATURAL GAS
-AMOCO PRODUCTION CO					RECEIVED: 03/06/81 JA: NM 4			
8120600	NM-1670-80	3004522929	108		A L ELLIOTT E WELL #1	BLANCO PICTURED CLIFFS	21.0	EL PASO NATURAL GAS
8120640	NM 1794-80	3004524382	103		ELLIOTT GAS COM N NO 1E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
8120636	NM-1781-80	3004524428	103		GALLEGOS CANYON UNIT NO 188E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
8120616	NM 1749-80	3004524260	103		GALLEGOS CANYON UNIT NO 195E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
8120642	NM 1796-80	3003921999	103		JICARILLA CONTRACT 148 NO 17	OTERO-CHACRA	90.0	EL PASO NATURAL GAS
8120641	NM-1795-80	3003922000	103		JICARILLA CONTRACT 148 NO 18	BASIN DAKOTA	90.0	EL PASO NATURAL GAS
-ARCO OIL AND GAS COMPANY					RECEIVED: 03/06/81 JA: NM 4			
8120894	NM-0851-80	3002526699	102		LANGLEY DEEP #1 (DEVONIAN)	LANGLEY (DEVONIAN)	130.0	EL PASO NATURAL GAS
-BILLY J KNOTT					RECEIVED: 03/06/81 JA: NM 4			
8120887	NM-1767-80	3004522624	108		KNOTT #1	WAW FRUITLAND	21.0	EL PASO NATURAL GAS
-BRADLEY M KENES					RECEIVED: 03/06/81 JA: NM 4			
8120609	NM-1714-80	3004506350	108		YOCKEY #1	FULCHER KUTZ PC	10.0	EL PASO NATURAL GAS
8120610	NM-1715-80	3004506371	108		YOCKEY #4	FULCHER KUTZ PC	11.0	EL PASO NATURAL GAS
-BTA OIL PRODUCERS					RECEIVED: 03/06/81 JA: NM 4			
8120620	NM 1753-80	3002527031	103		7406 JV-S LEA #1 #3	TANSILL-YATES (COMANCHE-	36.7	EL PASO NATURAL GAS
8120621	NM 1754-80	3002527041	103		7406 JV-S LEA #1 #6	TANSILL-YATES (COMANCHE	36.7	EL PASO NATURAL GAS
-CECIL E. SERVICE COMPANY					RECEIVED: 03/06/81 JA: NM 4			
8120668	NM-0029-81	3001523252	102		GOVERNMENT AR #1	WILCAT	36.0	
-CONOCO INC					RECEIVED: 03/06/81 JA: NM 4			
8120639	NM 1793-80	3002526941	103		BRITT B NO 27	NMFU - ABO	613.0	EL PASO NATURAL GAS
-CONSOLIDATED OIL & GAS INC					RECEIVED: 03/06/81 JA: NM 4			
8120634	NM-1780-80-A	3004524321	103		CAIN #1-E	GALLUP	0.0	SOUTHERN UNION GATHE
8120638	NM-1780-80-B	3004524321	103		CAIN 1-E	BASIN-DAKOTA	0.0	SOUTHERN UNION GATHE
-EL PASO NATURAL GAS COMPANY					RECEIVED: 03/06/81 JA: NM 4			
8120611	NM-1717-80	3003920793	108		CANYON LARGO UNIT NP #238	GONZALEZ MESA VERDE	17.0	EL PASO NATURAL GAS
8120897	NM-1037-80	3004520906	108		DAY A #15	BLANCO-PICTURED CLIFFS S	22.0	EL PASO NATURAL GAS
8120647	NM-1810-80	3004520923	108		HARDIE E #6	SOUTH BLANCO PICTURED CL	19.0	EL PASO NATURAL GAS
8120643	NM-1803-80	3004520316	108		HEATON #23	AZTEC PICTURED CLIFFS	18.0	EL PASO NATURAL GAS
8120893	NM 002-81-ER	3004507181	108		HOWELL E	BLANCO-MESAVERDE GAS	8.4	EL PASO NATURAL GAS
8120646	NM-1809-80	3003920964	108		LINDRITH UNIT #83	SOUTH BLANCO - PICTURED	22.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8120398	NM-1683-80	3004521101	108		MUDGE #33
8120643	NM-1808-80	3004521025	108		MUDGE #38 PC
8120650	NM-1821-80	3003907002	108		RIPLEY #3
8120613	NM 1768-80	3003921656	103		SAN JUAN 27-4 UNIT #134
8120653	NM-1825-80	3003906964	108		SAN JUAN 27-5 UNIT #16
8120667	NM-0038-81	3003906878	108		SAN JUAN 27-5 UNIT #66
8120602	NM-1682-80	3003960074	108		SAN JUAN 28-5 UNIT #36
8120649	NM-1818-80	3003907397	108		SAN JUAN 28-5 UNIT #39
8120899	NM-1661-80	3003980106	108		SAN JUAN 28-6 UNIT #77
8120601	NM-1679-80	3003907888	108		SAN JUAN 28-6 UNIT #9
8120651	NM-1823-80	3003907485	108		SAN JUAN 28-7 UNIT #24
8120646	NM-1805-80	3003907671	108		SAN JUAN 29-7 UNIT #101
8120648	NM-1813-80	3003907793	108		SAN JUAN 30-6 UNIT #11
-EL PASO NATURAL GAS CO.					
8120618	NM 1751-80	3000520771	103		FEDERAL #5
8120619	NM 1752-80	3000520771	103		FEDERAL #7
-HUSKY OIL COMPANY					
8120613	NM 1787-80	3004500000	108		SCHWERDTFEGER #2-0
-JEROME P MCHUGH					
8120622	NM-1761-80	3004522383	108		BENGAL C #3
8120623	NM-1762-80	3003921400	108		BURKE #2
8120624	NM-1764-80	3004513002	108		ROELOFS #1
8120628	NM-1765-80	3003921646	108		VALENCIA CANYON UNIT #36
8120626	NM-1766-80	3003921648	108		VALENCIA CANYON UNIT #39
-JEROME P MCHUGH					
8120687	NM-0001-81PB	3004512113	108		PRICE #1
8120688	NM-0002-81PB	3003920348	108		TIGER #1
-MESA PETROLEUM					
8120606	NM-1696-80	3003900000	108		BUTTRAM FEDERAL #2
8120614	NM 1746-80	3004524131	103		FEDERAL #E
8120596	NM-0913-80	3001522991	102		FULLER FEDERAL #1
8120607	NM-1697-80	3004521308	108		OTERO FEDERAL #5
-MOBIL PRDG. TEXAS & NEW MEXICO INC					
8120637	NM-1790-80	3003906438	108		JICARILLA D NO 7
8120605	NM-1690-80	3003905309	108		JICARILLA OTERO FEDERAL NO 2
-NORTHWEST PIPELINE CORPORATION					
8120658	NM-1833-80	3003907798	108		SAN JUAN 30-6 #27 MV & DK
-PERRY R BASS					
8120895	NM-0315-80	3001522989	108		BIG EDDY UNIT NO 73
-SOUTHLAND ROYALTY CO					
8120659	NM-1834-80	3004506617	108		HANKS #4
8120663	NM-1840-80	3004521302	108		PAGE #2Y
8120662	NM-1839-80	3004520450	108		PIERCE #4
-SUN OIL COMPANY (DELAWARE)					
8120654	NM-1827-80	3004524843	103		NEW MEXICO FEDERAL -N- NO 8E
8120655	NM1829-80	3004524362	103		NEW MEXICO FEDERAL -N- NO 3E
8120656	NM1830-80	3004524343	103		NEW MEXICO FEDERAL -N- NO 4E
8120657	NM1831-80	3004523633	103		NEW MEXICO FEDERAL -N- NO 6E
-SUPRON ENERGY CORPORATION					
8120661	NM 1838-80	3004523981	103		NEWSOM A-4E
-TENNECO OIL COMPANY					
8120603	NM-1686-80	3004500000	108		BASSETT COM #1

FIELD NAME	PROD	PURCHASER
BLANCO - PICTURED CLIFFS	17.0	EL PASO NATURAL GAS
BLANCO - PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
BLANCO - MESA VERDE	19.0	EL PASO NATURAL GAS
TAPACITO PICTURED CLIFFS	18.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	12.0	EL PASO NATURAL GAS
BLANCO - MESAVERDE	15.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	16.0	EL PASO NATURAL GAS
BLANCO - MESA VERDE	16.0	EL PASO NATURAL GAS
BASIN-DAKOTA	18.0	EL PASO NATURAL GAS
BLANCO-MESAVERDE	16.0	EL PASO NATURAL GAS
BLANCO - MESAVERDE GAS	15.0	EL PASO NATURAL GAS
BASIN - DAKOTA	19.0	EL PASO NATURAL GAS
BLANCO - MESAVERDE	16.0	EL PASO NATURAL GAS
CHAVEROO (SAN ANDRES)	130.0	TRANSWESTERN PIPELIN
CHAVEROO (SAN ANDRES)	110.0	TRANSWESTERN PIPELIN
W KUTZ CANYON - DAKOTA	17.0	EL PASO NATURAL GAS
FRUITLAND	11.0	EL PASO NATURAL GAS
CHOZA MESA PICTURED CLIF	3.0	EL PASO NATURAL GAS
BASIN DAKOTA	80.0	EL PASO NATURAL GAS
CHOZA MESA PICTURED CLIF	7.0	EL PASO NATURAL GAS
CHOZA MESA PICTURED CLIF	4.0	EL PASO NATURAL GAS
BASIN DAKOTA	19.0	EL PASO NATURAL GAS
TAPACITO PICTURED CLIFFS	17.0	NORTHWEST PIPELINE C
SO BLANCO PICTURED CLIFF	20.0	EL PASO NATURAL GAS
BASIN DAKOTA	120.0	EL PASO NATURAL GAS
ATOKA-MORROW	80.0	NORTHERN NATURAL GAS
BASIN DAKOTA	14.6	EL PASO NATURAL GAS
BLANCO MESA VERDE/BASALT	16.7	NORTHWEST PIPELINE C
BASIN DAKOTA	18.9	NORTHWEST PIPELINE C
BASIN MESAVERDE & DAKOTA	18.0	EL PASO NATURAL GAS
WILDCAT MORROW	400.0	NATURAL GAS PIPELINE
FULCHER KUTZ	16.0	SOUTHERN UNION GATHE
BLANCO	13.0	SOUTHERN UNION GATHE
BLANCO	80.0	SOUTHERN UNION GATHE
BASIN DAKOTA	216.6	SOUTHERN UNION GATHE
BASIN DAKOTA	279.0	SOUTHERN UNION GATHE
BASIN DAKOTA	230.0	SOUTHERN UNION GATHE
BASIN DAKOTA	281.0	SOUTHERN UNION GATHE
BASIN DAKOTA	170.0	EL PASO NATURAL GAS
BASIN DAKOTA	11.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120665	NM-0003-81	3004500000	108		DAY #1	BASIN DAKOTA	19.0	NORTHWEST PIPELINE C
8120604	NM-1687-80	3004500000	108		DELHI TAYLOR E #1	BASIN DAKOTA	18.0	EL PASO NATURAL GAS
8120630	NM-1770-80	3004500000	108		FLORANCE #56	BLANCO PICTURED CLIFFS	19.0	EL PASO NATURAL GAS
8120628	NM-1768-80	3004500000	108		FLORANCE #92	BLANCO PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
8120617	NM-1750-80	3004500000	108		HELEN JACKSON #3	BLANCO PICTURED CLIFFS	28.0	EL PASO NATURAL GAS
8120638	NM-1791-80	3004500000	108		MANSFIELD #2	BLANCO PICTURED CLIFFS	18.0	EL PASO NATURAL GAS
8120612	NM-1744-80	3004524185	103		MOORE #6-E	BASIN DAKOTA	50.0	NORTHWEST PIPELINE C
8120629	NM 1769-80	3004523965	103		PRICE #4	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8120660	NM 1837-80	3004524029	103		PRICE COM #4	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8120652	NM-1824-80	3004524278	103		SCHWERDTFEGER COM #1E	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
-YATES PETROLEUM CORPORATION			RECEIVED: 03/06/81 JA: NM 4					
8120632	NM 1775-80	3001523507	103		FEDERAL AB #6	PENASCO DRAW SA YESO ASS	0.0	TRANSWESTERN PIPELIN
8120633	NM-1776-80	3001523261	103		FEDERAL CW-B #5	PENASCO DRAW SA YESO ASS	0.0	TRANSWESTERN PIPELIN
8120631	NM 1774-80	3001523240	103		FEDERAL CW-B #6	PENASCO DRAW SA YESO ASS	0.0	TRANSWESTERN PIPELIN
8120666	NM-0015-81	3000560799	102		POWERS OL FEDERAL #1	WILDCAT	0.0	TRANSWESTERN PIPELIN
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
-KERR-MCGEE CORPORATION			RECEIVED: 03/09/81 JA: ND 5					
8120670	ND 641-0	3305301038	102		FEDERAL NO 1	FLAT TOP BUTTE	47.0	
-TENNECO OIL COMPANY			RECEIVED: 03/09/81 JA: ND 5					
8120680	ND774-0	3300700343	102		STUART USA #1-19	BIG STICK	400.0	WESTERN GAS PROCESSO
-ANADARKO PRODUCTION COMPANY			RECEIVED: 03/09/81 JA: WY 5					
8120669	W-829-0	4903721566	102		FIREPLACE ROCK UNIT NO 3	FIREPLACE ROCK	293.0	PANHANDLE EASTERN PI
-ENERGETICS INC			RECEIVED: 03/09/81 JA: WY 5					
8120676	W767-0	4903520586	103		FEDERAL 10-17	BIRD CANYON	375.0	NORTHWEST PIPELINE C
8120677	W769-0	4903520546	103		FEDERAL 10-32	BIRD CANYON	150.0	NORTHWEST PIPELINE C
8120675	W766-0	4903520597	103		FEDERAL 10-8	BIRD CANYON	175.0	NORTHWEST PIPELINE C
8120678	W771-0	4903520598	103		FEDERAL 40-6	BIRD CANYON	400.0	NORTHWEST PIPELINE C
8120679	W772-0	4903520587	103		FEDERAL 40-7	BIRD CANYON	500.0	NORTHWEST PIPELINE C
-THE KEMMERER COAL COMPANY			RECEIVED: 03/09/81 JA: WY 5					
8120673	W788-0	4900720483	107		BARREL SPRINGS UNIT #27-1	BARREL SPRINGS UNIT II	0.0	NORTHWEST PIPELINE C
8120672	W787-0	4900720482	107		BARREL SPRINGS UNIT NO 29-1	BARREL SPRINGS UNIT II	0.0	NORTHWEST PIPELINE C
8120671	W 783-0	4900720480	107		BARREL SPRINGS UNIT NO 9-1	BARREL SPRINGS UNIT II	0.0	NORTHWEST PIPELINE C
-W E BAUER			RECEIVED: 03/09/81 JA: WY 5					
8120674	W 759-0	4902521171	102		FEDERAL FAIR 1-28	POWDER RIVER	180.0	NORTHERN UTILITIES I

OTHER PURCHASERS

8120586 EXXON CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indiates that other purchasers are listed at the end of the notice.

The applications for determinatin in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9599 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 24, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD							
*PRUET PRODUCTION CO			RECEIVED: 03/11/81 JA: MS				
8181270	87-80-505	2306520078	108	UNITED STATES LUMBER COMPANY UNIT # SOUTH PRENTISS FIELD		292.0	FRM INC
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION							
*LENAPE RESOURCES CORP			RECEIVED: 03/11/81 JA: NY				
*8181286	1131	31181139680	103	WALTER C GUTHRIE #1	LEICESTER	20.0	ELIZABETHTOWN GAS CO
*LOCAL ENERGY INC			RECEIVED: 03/11/81 JA: NY				
8181323	827	3101313692	108	BRIGGS #1	LAKE SHORE	8.0	NATIONAL FUEL GAS DI
*PARASON RESOURCES INC			RECEIVED: 03/11/81 JA: NY				
8181325	198	3101311110	108	UNIT NO 106 = KENNETH QUINK	LAKESHORE	4.8	NATIONAL FUEL GAS DI
8181326	199	3101311078	108	UNIT NO 107 = FRANK KOPTA	LAKESHORE	9.3	NATIONAL FUEL GAS DI
8181304	200	3101310657	108	UNIT NO 108 = PAUL KOPTA	LAKESHORE	3.2	NATIONAL FUEL GAS DI
8181305	201	3101310250	108	UNIT NO 111 = MURRAY J VOLK	LAKESHORE	7.8	NATIONAL FUEL GAS DI
8181279	264	3101310289	108	UNIT NO 118 = JAMES L OEAKIN	LAKESHORE	6.6	NATIONAL FUEL GAS DI
8181280	272	3101311482	108	UNIT NO 120 = DONALD HELLMAN	LAKESHORE	1.0	NATIONAL FUEL GAS DI
8181306	202	3101310066	108	UNIT NO 124 = LEON MEEDER	LAKESHORE	0.6	NATIONAL FUEL GAS DI
8181307	203	3101310067	108	UNIT NO 125 = M VOLK	LAKESHORE	4.2	NATIONAL FUEL GAS DI
8181274	248	3101310937	108	UNIT NO 140 = FRANK STRAIGHT	LAKESHORE	9.2	NATIONAL FUEL GAS DI
8181275	249	3101311004	108	UNIT NO 141 = ARVID STEINHOFF	LAKESHORE	9.7	NATIONAL FUEL GAS DI
8181276	251	3101311005	108	UNIT NO 148 = RONALD CAVE	LAKESHORE	9.5	NATIONAL FUEL GAS DI
8181281	275	3101311059	108	UNIT NO 159 = NEIL JOHNSON	LAKESHORE	2.1	NATIONAL FUEL GAS DI
8181308	204	3101310934	108	UNIT NO 162 = DANIEL SELANGER	LAKESHORE	9.0	NATIONAL FUEL GAS DI
8181309	205	3101310771	108	UNIT NO 163 = LEON MEEDER	LAKESHORE	6.3	NATIONAL FUEL GAS DI
8181271	236	3101311197	108	UNIT NO 165 = ALBERT J ENDRES	LAKESHORE	8.0	NATIONAL FUEL GAS DI
8181310	206	3101310900	108	UNIT NO 166 = RALPH B PLUMB	LAKESHORE	5.7	NATIONAL FUEL GAS DI
8181311	207	3101310876	108	UNIT NO 167 = NORMAN F PRATT	LAKESHORE	3.0	NATIONAL FUEL GAS DI
8181300	209	3101310772	108	UNIT NO 169 = GEORGE E TEUFEL	LAKESHORE	6.2	NATIONAL FUEL GAS DI
8181301	210	3101311079	108	UNIT NO 171 = ALICE TANNER	LAKESHORE	1.0	NATIONAL FUEL GAS DI
8181302	211	3101311023	108	UNIT NO 172 = BARY GREEN	LAKESHORE	2.8	NATIONAL FUEL GAS DI
8181303	212	3101311130	108	UNIT NO 174 = LAWRENCE POST	LAKESHORE	1.4	NATIONAL FUEL GAS DI
8181292	213	3101311117	108	UNIT NO 177 = ANDY MEEDER	LAKESHORE	9.0	NATIONAL FUEL GAS DI
8181293	214	3101311043	108	UNIT NO 178 = JOHN MEEDER	LAKESHORE	1.2	NATIONAL FUEL GAS DI
8181294	215	3101311000	108	UNIT NO 179 = RAYMOND CHYLINSKI	LAKESHORE	5.8	NATIONAL FUEL GAS DI
8181295	216	3101311030	108	UNIT NO 180 = WILMER ROACHE	LAKESHORE	5.2	NATIONAL FUEL GAS DI
8181287	223	3101310998	108	UNIT NO 181 = DEMETER BORIA	LAKESHORE	1.9	NATIONAL FUEL GAS DI
8181296	218	3101310999	108	UNIT NO 182 = RAYMOND CHYLINSKI	LAKESHORE	1.5	NATIONAL FUEL GAS DI
8181277	282	3101311192	108	UNIT NO 184 = DOROTHY NORMAN	LAKESHORE	9.0	NATIONAL FUEL GAS DI
8181297	219	3101311042	108	UNIT NO 186 = KENNETH QUINK	LAKESHORE	9.5	NATIONAL FUEL GAS DI
8181298	220	3101311096	108	UNIT NO 193 = GENEVIEVE DIBBEE	LAKESHORE	4.0	NATIONAL FUEL GAS DI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8181299	221	31013111136	108		UNIT NO 194 - GENEVIEVE BIBBEE	LAKESHORE	3.8	NATIONAL FUEL GAS DI
8181288	222	31013111137	108		UNIT NO 195 - DONALD BEELEY	LAKESHORE	8.9	NATIONAL FUEL GAS DI
8181278	265	31013105349	108		UNIT NO 196 - MARSHALL E PLAIR	LAKESHORE	4.9	NATIONAL FUEL GAS DI
8181348	468	31013096617	108		UNIT NO 2 - LEE RATER	LAKESHORE	5.2	NATIONAL FUEL GAS DI
8181290	235	31013111477	108		UNIT NO 202 - CHAUT FOREST PRODUCTS	LAKESHORE	1.7	NATIONAL FUEL GAS DI
8181321	179	31013109935	108		UNIT NO 205 - HAROLD SMITH	LAKESHORE	1.1	NATIONAL FUEL GAS DI
8181368	181	31013104458	108		UNIT NO 207-ROGER EIMERS	LAKESHORE	0.7	NATIONAL FUEL GAS DI
8181289	224	31013111179	108		UNIT NO 218 - CALVIN BOWEN	LAKESHORE	0.8	NATIONAL FUEL GAS DI
8181291	237	31013111163	108		UNIT NO 224 - HAROLD MCCUTCHEON	LAKESHORE	9.7	NATIONAL FUEL GAS DI
8181272	238	31013112854	108		UNIT NO 225 - JOHN T DIETEMAN	LAKESHORE	3.7	NATIONAL FUEL GAS DI
8181273	239	31013111190	108		UNIT NO 226 - GEORGE FREEMAN	LAKESHORE	3.9	NATIONAL FUEL GAS DI
8181342	240	31013112856	108		UNIT NO 235 EDWARD T ZYSK	LAKESHORE	9.5	NATIONAL FUEL GAS DI
8181328	266	31013111407	108		UNIT NO 243 THOMPSON PRODUCTS	LAKESHORE	9.9	NATIONAL FUEL GAS DI
8181329	267	31013111363	108		UNIT NO 244 WAYNE BENTLEY	LAKESHORE	2.1	NATIONAL FUEL GAS DI
8181330	268	31013111362	108		UNIT NO 245 JERROLD LOWES	LAKESHORE	0.7	NATIONAL FUEL GAS DI
8181381	464	31013111031	108		UNIT NO 246 WILLIAM SKINNER	LAKESHORE	3.1	NATIONAL FUEL GAS DI
8181333	279	31013111193	108		UNIT NO 251 RONALD BRADLEY	LAKESHORE	12.9	NATIONAL FUEL GAS DI
8181369	383	31013111873	108		UNIT NO 256 ROBERT MCGUINN	LAKESHORE	4.7	NATIONAL FUEL GAS DI
8181327	254	31013113D4	108		UNIT NO 282 - HARRIS CHARWICK	LAKESHORE	4.6	NATIONAL FUEL GAS DI
8181339	443	31013111649	108		UNIT NO 294 WARD RAYNOR	LAKESHORE	6.8	NATIONAL FUEL GAS DI
8181340	446	31013111718	108		UNIT NO 297 GEORGE SHEPARD	LAKESHORE	3.2	NATIONAL FUEL GAS DI
8181332	277	31013111489	108		UNIT NO 320 EDWARD VELMA	LAKESHORE	0.8	NATIONAL FUEL GAS DI
8181370	386	31013111563	108		UNIT NO 324 DONALD WELLMAN	LAKESHORE	2.2	NATIONAL FUEL GAS DI
8181371	403	31013111556	108		UNIT NO 328 ALFRED JOSEPHSON	LAKESHORE	0.5	NATIONAL FUEL GAS DI
8181312	405	31013111568	108		UNIT NO 333 - HERMAN SWANSON	LAKESHORE	0.4	NATIONAL FUEL GAS DI
8181313	415	31013111501	108		UNIT NO 337 - DONALD WELLMAN	LAKESHORE	8.7	NATIONAL FUEL GAS DI
8181314	416	31013111564	108		UNIT NO 338 - JAMES BARER	LAKESHORE	0.6	NATIONAL FUEL GAS DI
8181315	421	31013113D3	108		UNIT NO 349 - BURTON AUSTIN	LAKESHORE	3.2	NATIONAL FUEL GAS DI
8181316	423	31013111586	108		UNIT NO 352 - BURTON AUSTIN	LAKESHORE	0.9	NATIONAL FUEL GAS DI
8181336	425	31013111780	108		UNIT NO 354 HAROLD SPINLER	LAKESHORE	1.4	NATIONAL FUEL GAS DI
8181337	429	31013111643	108		UNIT NO 359 PAUL JACOBS	LAKESHORE	0.3	NATIONAL FUEL GAS DI
8181338	433	31013111714	108		UNIT NO 364 JOHN DEDERICK	LAKESHORE	2.1	NATIONAL FUEL GAS DI
8181383	843	31013111869	108		UNIT NO 370 - PAUL LAMPHERE	LAKESHORE	3.0	NATIONAL FUEL GAS DI
8181344	244	31013111364	108		UNIT NO 371 - EDGAR FORBES	LAKESHORE	3.8	NATIONAL FUEL GAS DI
8181331	269	31013111500	108		UNIT NO 378 EDGAR FORBES	LAKESHORE	13.9	NATIONAL FUEL GAS DI
8181345	853	31013111387	108		UNIT NO 373 - JOHN EHLING	LAKESHORE	7.6	NATIONAL FUEL GAS DI
8181334	881	31013111871	108		UNIT NO 392 CLARK GODDRICH	LAKESHORE	13.1	NATIONAL FUEL GAS DI
8181335	884	31013111875	108		UNIT NO 398 RAYMOND LAWSON	LAKESHORE	9.3	NATIONAL FUEL GAS DI
8181883	467	31013109963	108		UNIT NO 41 - RAYMOND V CHYLINSKI	LAKESHORE	7.8	NATIONAL FUEL GAS DI
8181317	894	31013111888	108		UNIT NO 412 - ALOYSIOS LEWANSKI	LAKESHORE	1.6	NATIONAL FUEL GAS DI
8181357	373	31013111905	108		UNIT NO 429 - MARION CROPOOT	LAKESHORE	10.1	NATIONAL FUEL GAS DI
8181318	311	31013111918	108		UNIT NO 438 - HOWARD ROBERTS	LAKESHORE	1.7	NATIONAL FUEL GAS DI
8181319	313	31013111914	108		UNIT NO 440 - BENJAMIN NICHOLS	LAKESHORE	7.3	NATIONAL FUEL GAS DI
8181320	316	31013112898	108		UNIT NO 447 - ERNEST MABLACH	LAKESHORE	1.0	NATIONAL FUEL GAS DI
8181382	318	31013112886	108		UNIT NO 449 - OTTO BELDEN	LAKESHORE	3.3	NATIONAL FUEL GAS DI
8181367	319	31013112550	108		UNIT NO 450-A-JENNIE PALMER	LAKESHORE	5.2	NATIONAL FUEL GAS DI
8181360	330	31013112800	108		UNIT NO 464 - EDWARD DEERING	LAKESHORE	9.2	NATIONAL FUEL GAS DI
8181347	333	31013112397	108		UNIT NO 468 - ARTHUR WOOLSON	LAKESHORE	0.1	NATIONAL FUEL GAS DI
8181361	335	31013112438	108		UNIT NO 470 - OVIDIO SAICCO	LAKESHORE	7.4	NATIONAL FUEL GAS DI
8181346	336	31013112351	108		UNIT NO 471 - ERNEST SCHROEDER	LAKESHORE	1.8	NATIONAL FUEL GAS DI
8181362	344	31013112389	108		UNIT NO 481-RAYMOND HINKLE	LAKESHORE	2.0	NATIONAL FUEL GAS DI
8181363	345	31013112390	108		UNIT NO 482-MARVIN CARDOT	LAKESHORE	0.2	NATIONAL FUEL GAS DI
8181364	347	31013112302	108		UNIT NO 486-ANTHONY LEONE	LAKESHORE	0.7	NATIONAL FUEL GAS DI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8121365	348	3101312239	108		UNIT NO 487=FREDERICK N BOMMERTON	LAKESHORE	1.5	NATIONAL FUEL GAS DI
8121366	349	3101312241	108		UNIT NO 489=WILLIAM H TRONT	LAKESHORE	0.1	NATIONAL FUEL GAS DI
8121349	350	3101312242	108		UNIT NO 490 = GEORGE BALL	LAKESHORE	0.9	NATIONAL FUEL GAS DI
8121350	352	3101312244	108		UNIT NO 492 = RAFAEL SZYDLO	LAKESHORE	6.6	NATIONAL FUEL GAS DI
8121351	353	3101312246	108		UNIT NO 494 = THOMAS FITZGERALD	LAKESHORE	0.5	NATIONAL FUEL GAS DI
8121352	354	3101312366	108		UNIT NO 497 = BRUCE FAIRBANKS	LAKESHORE	0.7	NATIONAL FUEL GAS DI
8121353	355	3101312426	108		UNIT NO 499 = HENRY DOEBRALSKI	LAKESHORE	3.0	NATIONAL FUEL GAS DI
8121354	357	3101312602	108		UNIT NO 507 = ERNEST NICKERSON	LAKESHORE	8.8	NATIONAL FUEL GAS DI
8121324	195	3101310332	108		UNIT NO 51 = CLAUDE SMITH	LAKESHORE	4.8	NATIONAL FUEL GAS DI
8121355	361	3101312606	108		UNIT NO 511 = HAROLD HALL	LAKESHORE	8.7	NATIONAL FUEL GAS DI
8121885	196	3101310370	108		UNIT NO 52 = CLAUDE SMITH	LAKESHORE	5.6	NATIONAL FUEL GAS DI
8121356	368	3101312616	108		UNIT NO 530 = NORMAN HEILMAN	LAKESHORE	7.8	NATIONAL FUEL GAS DI
8121358	370	3101313079	108		UNIT NO 545 WILLIAM OEPEW	LAKESHORE	0.5	NATIONAL FUEL GAS DI
8121359	371	3101313280	108		UNIT NO 547 = A ALLENBRAND	LAKESHORE	1.6	NATIONAL FUEL GAS DI
8121282	465	3101310726	108		UNIT NO 89 = WALTER HEBEISEN	LAKESHORE	9.7	NATIONAL FUEL GAS DI
8121284	197	3101310252	108		UNIT NO 93 = ANDY REEDER	LAKESHORE	4.8	NATIONAL FUEL GAS DI

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OKLAHOMA CORPORATION COMMISSION

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=AMOCO PRODUCTION CO					RECEIVED: 03/13/81 JA: OK			
8121391	01163	3504520693	103		STATE OF OKLAHOMA L #2	MOLANE-LAVERNE GAS AREA	292.0	NORTHERN NATURAL GAS
=ANSON CORPORATION					RECEIVED: 03/13/81 JA: OK			
8121375	07748	3501520740	103		KAPPLE #1	WATONGA	61.1	MUSTANG FUEL CORP
=ANADARKO PRODUCTION COMPANY					RECEIVED: 03/13/81 JA: OK			
8121376	07744	3500721842	103		SHADDEN A NO 1	MOCANE	73.0	COLORADO INTERSTATE
=B R POLK INC					RECEIVED: 03/13/81 JA: OK			
8121379	07738	3508300000	103		SADE #3	LOVELL	54.8	EASON OIL CO
=BERRY PETROLEUM CORP					RECEIVED: 03/13/81 JA: OK			
*8121385	07676	3509321854	103		ED NOLTING #1-1	BOONER TRENO	150.0	UNION TEXAS PETROLEU
=BROWN & BORELLI INC					RECEIVED: 03/13/81 JA: OK			
8121386	06722	3507322378	102		MUSICK #1	BOONER TRENO	365.0	PHILLIPS PETROLEUM C
=CHAMPLIN PETROLEUM COMPANY					RECEIVED: 03/13/81 JA: OK			
8121396	07186	3519100000	108		CLEO CAMPBELL	STATE LINE	5.0	PANHANDLE EASTERN PL
=CHASE EXPLORATION CORP					RECEIVED: 03/13/81 JA: OK			
8121398	07899	3507181881	103		KAHLE #1-10		32.9	CITIES SERVICE GAS C
=DALCO PETROLEUM INC					RECEIVED: 03/13/81 JA: OK			
8121389	06043	3507322896	103		STRUCK #1	BOONER TRENO	91.3	DALCO PETROLEUM US L
=DAVIS OIL COMPANY					RECEIVED: 03/13/81 JA: OK			
8121409	07678	3501700000	103		POTTER NO 1	NORTH FORK	180.0	PHILLIPS PETROLEUM C
=EARLSBORO OIL AND GAS CO INC					RECEIVED: 03/13/81 JA: OK			
8121394	07343	3515118031	108		RAWSON-OLSON NO 1	NORTHEAST WAYNOKA	11.0	PANHANDLE EASTERN PI
=BETTY OIL COMPANY					RECEIVED: 03/13/81 JA: OK			
*8121381	07698	3513722221	103		ED MARTIN NO 13	SHO-VEL-TUM	18.0	LONE STAR GAS CO
=GREAT SOUTHERN ENTERPRISES INC					RECEIVED: 03/13/81 JA: OK			
*8121382	07696	3514700000	103		PAT A1	PAT A1	0.0	KANOKLA ENERGY CORP
*8121383	07695	3514721617	103		PAT 2A	PAT 2A	0.0	KANOKLA ENERGY CORP
=HARPER OIL COMPANY					RECEIVED: 03/13/81 JA: OK			
8121374	07751	3507322583	103		BUCHANAN A-1	BOONER TRENO	63.0	PHILLIPS PETROLEUM C
8121397	07664	3504700000	103		ETHEL #1	N E ENID	43.0	CHAMPLIN PETROLEUM C
=HOLDEN ENERGY CORP					RECEIVED: 03/13/81 JA: OK			
8121380	07724	3501900000	103		REED 35-1	JOINER CITY	13.9	AMINOIL USA INC
=L S WILLIAMS OIL COMPANY INC					RECEIVED: 03/13/81 JA: OK			

JD NO	JA DKT	API NO	SEC	D	WELL NAME		FIELD NAME	PROD	PURCHASER
0121406	07687	3501721406	103		LAMB #19-6		YUKON	200.0	PHILLIPS PETROLEUM C
0121377	07741	3501721422	103		LAMB 19-7		YUKON	0.0	PHILLIPS PETROLEUM C
0121410	07686	3501721314	103		WRIGHT #33-6		YUKON	40.0	PHILLIPS PETROLEUM C
0121378	07740	3501721313	103		WRIGHT 33-5		YUKON	0.0	PHILLIPS PETROLEUM C
*LINCOLN ROCK CORP					RECEIVED: 03/13/81	JA: OK			
0121402	05802	3500520291	102		HEFNER #3		NORTHEAST MARIETTA	20.0	CIMARRON TRANSMISSIO
0121403	05801	3500520332	102		MULLIGAN #2		NORTHEAST MARIETTA	10.0	CIMARRON TRANSMISSIO
*MAGELLAN INC					RECEIVED: 03/13/81	JA: OK			
0121399	07658	3507322505	103		POST #2		SOONER TREND	0.0	CITIES SERVICE GAS C
*NATIONAL OIL COMPANY					RECEIVED: 03/13/81	JA: OK			
0121401	07687	3502720370	103		TROUT #027-60399			1.1	SUN GAS CO
*PACIFIC OIL & GAS CO					RECEIVED: 03/13/81	JA: OK			
0121408	07686	3509321819	103		EDWARDS #3		CHEYENNE VALLEY	0.0	PHILLIPS PETROLEUM C
*PETRO-LEWIS CORPORATION					RECEIVED: 03/13/81	JA: OK			
0121404	08130	3505100000	103		FRITTS #3		MARLOW	900.0	ARKANSAS LOUISIANA G
*RICKS EXPLORATION CO					RECEIVED: 03/13/81	JA: OK			
0121373	10307	3501521014	107		BERTIE MINTON #1		N CEMENT	318.0	SOUTHERN NATURAL GAS
*RUSSELL V JOHNSON JR					RECEIVED: 03/13/81	JA: OK			
0121390	01970	3515100000	108		#1 EARNEST		SOUTH TEAGARDEN	13.0	PANHANDLE EASTERN PI
*SANSON RESOURCES COMPANY					RECEIVED: 03/13/81	JA: OK			
0121407	07690	3501520796	103		CROY UNIT NO 1		EAST BINGER	182.0	TRANSOK PIPE LINE CO
*SEARCH DRILLING CO					RECEIVED: 03/13/81	JA: OK			
0121392	07696	3500721785	103		HILLIKIN #1-16		MOCANE-LAVERNE	135.0	EL PASO NATURAL GAS
*SENECA OIL COMPANY					RECEIVED: 03/13/81	JA: OK			
0121388	06442	3509321581	102		CLABBEN NO 1-17		S E SADO	9.9	PANHANDLE EASTERN PI
0121387	06443	3509321615	102		THOMPSON NO 1-18		S E SADO	47.0	PANHANDLE EASTERN PI
*SULLIVAN AND CO					RECEIVED: 03/13/81	JA: OK			
0121400	07630	3508121047	103		CLETA #2		SOUTHWEST PRAIRIE SEM	193.0	SUN OIL CO
*SUN OIL COMPANY (DELAWARE)					RECEIVED: 03/13/81	JA: OK			
0121405	07691	3505120855	103		NORGE MARCHAND UNIT TRACT 20		CHICKASHA NW	37.0	TRANSOK PIPELINE CO
0121372	07693	3505120868	103		NORGE MARCHAND UNIT TRACT 45		CHICKASHA NW	102.0	TRANSOK PIPELINE CO
*TENNECO OIL COMPANY					RECEIVED: 03/13/81	JA: OK			
0121393	07689	3501900000	108		WILL M SMITH #2		CADDO	0.0	UNION OIL CO OF CALI
*UNION TEXAS PETROLEUM					RECEIVED: 03/13/81	JA: OK			
0121398	07818	3500320631	103		LEON PECHA NO 2		CHANEY DELL EAST SEC II	40.0	PANHANDLE EASTERN PI
*WALKER & WITHROW INC					RECEIVED: 03/13/81	JA: OK			
0121384	07626	3501700000	103		PARIZEK 32-1		RICHLAND	219.0	CONOCO INC
*NAVAL PETROLEUM RESERVES IN CALIFOR					RECEIVED: 03/10/81	JA: CA 0			
*0121860		0402900000	103		13Z - #378		ELK HILLS	29.2	
**********									
** DEPARTMENT OF ENERGY									
**********									
*NAVAL PETROLEUM RESERVES IN CALIFOR					RECEIVED: 03/10/81	JA: CA 9			
*0121862		0402900000	103		168-#82M		ELK HILLS	0.0	CHEVRON USA INC
*0121863		0402900000	102		168-#11		ELK HILLS	0.7	CHEVRON USA INC
*0121854		0402900000	102		83R - #354		ELK HILLS	109.5	CHEVRON USA INC
*0121856		0402900000	102		24R - #358		ELK HILLS	146.0	CHEVRON USA INC
*0121855		0402900000	102		24R-#338		ELK HILLS	11000.0	CHEVRON USA INC
*0121869		0402900000	103		24Z - #345		ELK HILLS	146.0	CHEVRON USA INC
*0121858		0402900000	102		26R - #326		ELK HILLS	219.0	CHEVRON USA INC
*0121859		0402900000	102		26R - #348		ELK HILLS	256.0	CHEVRON USA INC
*0121857		0402900000	102		26R-#315		ELK HILLS	201.0	CHEVRON USA INC

VOLUME 395 PAGE 005

JD NO	JA OKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8121261		04029000000	102		348-#342	ELK HILLS	0.2	CHEVRON USA INC
*8121266		04029000000	103		398 - #342	ELK HILLS	0.0	CHEVRON USA INC
*8121260		04029000000	102		36R - #322A	ELK HILLS	368.0	CHEVRON USA INC
*8121267		04029000000	103		368 - #316X	ELK HILLS	0.0	CHEVRON USA INC
*8121264		04029000000	103		7R - #367	ELK HILLS	0.1	CHEVRON USA INC
*8121265		04029000000	103		7R - #375	ELK HILLS	88.0	CHEVRON USA INC
*8121263		04029000000	103		7R-#337	ELK HILLS	0.7	CHEVRON USA INC

OTHER PURCHASERS	VOLUME NO
8121253	GETTY OIL CO
8121254	GETTY OIL CO
8121255	GETTY OIL CO
8121256	GETTY OIL CO
8121257	GETTY OIL CO
8121258	GETTY OIL CO
8121259	GETTY OIL CO
8121260	GETTY OIL CO
8121261	GETTY OIL CO
8121262	GETTY OIL CO
8121263	GETTY OIL CO
8121264	GETTY OIL CO
8121265	GETTY OIL CO
8121266	GETTY OIL CO
8121267	GETTY OIL CO
8121268	GETTY OIL CO
8121269	GETTY OIL CO
8121286	NEW JERSEY NATURAL GAS
8121381	OKLAHOMA NATURAL GAS CO
8121382	CITIES SERVICE GAS CO
8121383	CITIES SERVICE GAS COMPANY
8121385	PANHANDLE EASTERN PIPELINE COMPANY

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

R: Revision of Redetermination by Jurisdictional Agency
C: Correction to Prior Fed. Reg. Notice

JD No.	JA	APPLICANT	WELL NAME	ORIG. FERC VOL. NO.	DATE PUB. IN FEDERAL REGISTER	
81-14894	NM	Southern Union Exploration Co	State 17 #1	368	02-20-81	C: 107 Only
81-14165	LA	Midway Production Co IV	Ledoux-Brockman #6	364	02-18-81	C: Applicant Name
81-14168	LA	Midway Production Co IV	Ledoux-Brockman #7	364	02-18-81	C: Applicant Name
81-15626	TX	Fagadau Energy Corp	Worthington-Edwards G #1	371	02-27-81	C: 103 and 102
81-16215	TX	Palo Petroleum Inc	Lewallen #2	372	03-02-81	C: 103 Only
81-16230	TX	Phillips Petroleum Co	N Penwell #76	372	03-02-81	C: Well Name
81-00581	OK	Kaiser-Francis Oil Co	Erwin #1	300	10-22-80	C: 103 & 102

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9600 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-337-002]

El Paso Natural Gas Co.; Petition to Amend

March 25, 1981.

Take notice that on March 6, 1981, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP79-337-002 a petition to amend the order issued August 29, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an extension of the time period within which construction and operation of facilities may be accomplished, 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 August 29, 1980, in the instant docket it was authorized to construct, operate and/or modify certain pipeline, compression and meter facilities on its existing San Juan Triangle and San Juan Mainline pipeline transmission systems located in Colorado, New Mexico and Arizona. It is further submitted that under such order Petitioner was directed to construct and place in actual operation the certificated facilities for the initial expansion phase within one year and the remaining facilities within eighteen months of the date of the order.

Petitioner also states that it has been advised by Natural Gas Corporation of California (NGC) that NGC does not wish to commit to firm transportation capacity through the San Juan Triangle but rather intends to continue operating under existing arrangements on a best-efforts basis. It is further stated that Petitioner has been advised by Pacific Interstate Transmission Company that the facilities necessary on Petitioner's system to transport the authorized firm contract quantity of 230,000 Mcf per day should be in place no later than November 1, 1981, in lieu of July 1, 1981, coincident with the understood completion of certain "western leg" facilities on Northwest Pipeline Corporation's (Northwest) existing system.

Petitioner proposes to construct and have operational on or before November 1, 1981, all of the facilities authorized in Docket No. CP79-337 with the exception of (1) 14.4 miles of the 20-inch O.D. loop pipeline authorized to be installed downstream of Petitioner's proposed Bondad Compression Station to be located in La Plata County, Colorado, and (2) 2.3 miles of the 34-inch O.D. loop pipeline authorized to be installed downstream of Petitioner's White Rock Compressor Station located in San Juan County, New Mexico. Specifically, Petitioner proposes to construct and operate on or before November 1, 1981, (1) two 3,580 horsepower centrifugal compressor units at its proposed Bondad Compressor Station in La Plata County, Colorado, (2) one 1,160 horsepower centrifugal compressor unit at Petitioner's existing San Juan River Plant in San Juan County, New Mexico, (3) approximatley 3.61 miles of 24-inch O.D. loop pipeline from Northwest's Ignacio Compressor Station to Petitioner's proposed Bondad Compressor Station, (4) approximately 15.9 miles of 20-inch O.D. loop pipeline downstream of Petitioner's proposed Bondad Compressor Station, (5) approximately 24.3 miles of 34-34-inch O.D. loop pipeline downstream of Petitioner's White Rock Compressor Station, and (6) certain measuring and appurtenant facilities on both the San Juan Triangle and San Juan Mainline systems. Petitioner would also uprate on or before November 1, 1981, one 7,040 horsepower centrifugal compressor unit at Petitioner's Gallup B Compressor Station in McKinley County, New Mexico, to 9,150 horsepower and would uprate approximately 30.3 miles of the Ignacio to Blanco pipeline to allow for increased operating pressures, it is asserted. Petitioner asserts that the facilities proposed for construction and operation on or before November 1, 1981, would provide Petitioner with a maximum capability to receive at Ignacio and transport up to approximately 408,000 Mcf of natural gas per day.

Petitioner further proposes to have installed and operational on or before November 1, 1982, facilities with a maximum southflow capacity from Ignacio of up to 464,000 Mcf per day to accommodate future additional supplies. It is explained that such additional facilities were also authorized by order issued August 29, 1980, in the instant docket.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 15, 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 wit'.1 the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9566 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4149-000]

Georgia-Pacific Corp.; Application for Preliminary Permit

March 25, 1981.

Take notice that Georgia-Pacific Corporation (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4149 to be known as Thunder Creek Hydroelectric Development located on Thunder, South Fork and Survey Creeks in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Georgia-Pacific Corporation, P.O. Box 1236, Bellingham, Washington 98227.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) three reinforced concrete diversion weirs with slide gates and steel trash racks located, one each, on Thunder Creek, Survey Creek, and South Fork Creek; (2) a four-mile long pipeline paralleling an existing logging road; (3) a surge tank; (4) a 4,000-foot long penstock; (5) a powerhouse containing two generating units with total rated capacity of 12 MW; (6) a switchyard; and (7) a 115-kV transmission line extending from the switchyard, a distance of about 200 yards to tie in with an existing 115-kV line of the Puget Power Company. The applicant estimates that the average annual energy output would be 60 million kWh.

Purpose of Project—Project energy would either be sold to a private utility or used by the Applicant.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 24-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that none of these studies will have any significant environmental impact, and that no new roads or any other major disturbance to the project area is anticipated.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the other Federal, state, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $500,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necesssary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Puget Sound Power and Light Company's Project No. 3913 on Thunder Creek in Skagit County, Washington under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c)(1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d)(1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to interven in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before, May 7, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4149. Any commments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representaive of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9588 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-225-000]

Great Lakes Gas Transmission Co.; Application

March 25, 1981.

Take notice that on March 6, 1981, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP81-225-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas with Inter-City Gas Corporation (Inter-City), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation and exchange agreement with Inter-City dated October 15, 1980, Applicant would receive from Inter-City a maximum of 400,000 Mcf of natural gas during the summer period at a rate of 1,000 Mcf per day during the 1981 summer period and up to 2,000 Mcf per day during each summer period thereafter. Applicant states that it would receive such deliveries at an existing interconnection of the facilities of Applicant and Inter-City near Cloquet, Minnesota. Applicant states it would transport thermally equivalent quantities to ANR Storage Company (ANR) at an existing interconnection of the facilities of Applicant and ANR in Crawford County, Michigan. It is stated that Inter-City has a gas storage arrangement with ANR pursuant to a gas storage agreement between the parties dated October 31, 1980.

It is further stated that during the winter period Applicant would accept from ANR at the Crawford interconnection up to 8,000 Mcf of

natural gas per day and would redeliver to Inter-City by displacement a thermally equivalent quantity of natural gas at either or all three of the interconnection points located in Cloquet, Grand Rapids and Thief River, Minnesota.

Applicant proposes to charge Inter-City at a rate of 25.868 cents per Mcf for deliveries made to ANR at the Crawford interconnection. No rate would be charged for redeliveries of natural gas to Inter-city at the Cloquet, Grand Rapids or Thief River Falls interconnections which would be considered exchange volumes, it is stated.

It is asserted that the proposed transportation service would enhance Inter-City's ability to meet the peak day and winter period requirements of its customers and would enable it to make more efficient use of gas available during the summer period.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 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. 81-9567 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3860-000]

City of Lander, Wyoming and Wyoming Hydro, Inc.; Application for Preliminary Permit

March 25, 1981.

Take notice that City of Lander, Wyoming and Wyoming Hydro, Inc., (Applicant) filed on December 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)–825(r)] for proposed Project No. 3860 to be known as the Jackson Lake Project located on the Snake River in Teton County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Myles A. Duffy, Wyoming Hydro, Inc., c/o P.O. Box 765, Alamo, California 94507. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Jackson Lake Dam and Reservoir and would consist of: (1) new penstocks utilizing two existing outlet works tunnels; (2) a new powerhouse containing generating units having a total rated capactiy of 8,500 kW; (3) a tailrace; (4) a new underground transmission line, approximately 300 feet long, connecting to existing 12.47 kV lines; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 36,000,000 kWh.

Purpose of Project—Project energy would be sold to Lower Valley Power and Light Cooperative or other power companies.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant will prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be between $106,000 and $160,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applicants—This application was filed as a competing application to Pacific Northwest Generating Company's Application for Project No. 3505 filed on September 26, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 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 a response to this notice of application for preliminary permit for Project No. 3860. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9584 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4042-000]

Massachusetts Municipal Wholesale Electric Co.; Application for Preliminary Permit

March 25, 1981.

Take notice that Massachusetts Municipal Wholesale Electric Company (Applicant) filed on January 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4042 to be known as the Barre Falls Project located on the Ware River in the town of Barre, Worcester County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Phillip C. Otness, General Manager, Massachusetts Municipal Wholesale Electric Company, Stony Brook Energy Center, P.O. Box 426, Ludlow, Massachusetts 01056. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Army Corps of Engineers' Barre Falls Dam and the associated reservoir and would consist of a new powerhouse containing a single turbine-generator with a total rated capacity of 1.5 MW and a transmission line. The Applicant estimates that the average annual energy output would be 6,450,000 kWh.

Purpose of Project—Energy generated at the project would be utilized by the Applicant for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Barre Falls Project No. 3340 filed on August 19, 1980, by Water Power Development Corporation under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 21, 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 a response to this notice of application for preliminary permit for Project No. 4042. 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. 81-9590 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4007-000]

John D. Meeker; Application for Preliminary Permit

March 25, 1981.

Take notice that John D. Meeker (Applicant) filed on January 12, 1981, application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4007 to be known as Lost Creek Water Power Project located on Lost Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary R. Kalsbeek, G K Engineering, 1304 East Street #207, Redding, California 96001. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (a) a 5 to 8-foot high, 20 to 30-foot long concrete diversion dam; (b) a 30-inch diameter penstock; (c) a powerhouse containing a single generating unit with a rated capacity of 700 kW; and (d) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6 million kWh.

Purpose of Project—Project energy would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 30-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $47,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mr. Floyd M. Bidwell's Project No. 3863 on Lost Creek in Shasta County, California, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 2, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to particpate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4007. 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. 81-9589 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-22-000]

Mississippi River Transmission Corp.; Tariff Filing

March 24, 1981.

Take notice that on March 13, 1981, Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis, Missouri 63124, submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective April 15, 1981.

Third Revised Sheet No. 35
Fourth Revised Sheet No. 36
Third Revised Sheet No. 38
Fourth Revised Sheet No. 39

The instant filing is being made to reflect changes in the Index of Protected Essential Agricultural Use (Step 10) Entitlements and in the Index of High Priority (Step 11) Entitlements to be effective during the period April 15 through October 31, 1981, pursuant to paragraph 8.2(a)(i) of Mississippi's curtailment plan. Copies of this filing are on file with the Commission and are available for public inspection.

Any person desiring to be heard or to protest said filing should on or before March 30, 1981, 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 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9595 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3694-000 and 3953-000]

Mitchell Energy Company, Inc.; Enagenics; Extension of Time

March 24, 1981.

On March 19, 1981, Salt River Project Agricultural Improvement and Power District (Salt River District) filed a request for an extension of time to file comments in response to the Commission's Notices of Application for Preliminary Permit issued January 30, 1981 and February 23, 1981, in Project No. 3694-000 and Project No. 3953, respectively. The motion states that additional time is required because of a delay in the Salt River Project's receipt

of these applications and because these applications raise significant and complex issues which will require careful evaluation. The motion further states that the Water Power and Resources Service of the U.S. Department of Interior does not oppose this extension request.

Upon consideration, notice is hereby given that an extension of time for the filing of comments in the above-proceedings is granted to and including April 20, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9575 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-11-000]

Mobil Producing Texas & New Mexico, Inc.; Petition for Declaratory Order

Issued: March 24, 1981.

On February 17, 1981, Mobil Producing Texas & New Mexico, Inc. (MPTM), Nine Greenway Plaza, Suite 2700, Houston, Texas 77046, filed a petition for a declaratory order pursuant to §§ 1.7(c) and 1.43 of the Federal Energy Regulatory Commission (Commission) Rules of Practice and Procedure.

MPTM alleges the following facts: Mobil Oil Corporation sold natural gas in intrastate commerce to Channel Industries Gas Company (Channel) from the Old Ocean Unit, Brazoria and Matagorda Counties, Texas, under a contract dated August 1, 1972, as amended. On July 1, 1974, the contract was extended for a term ending December 31, 1979. The contract price in effect on November 9, 1978, was $2.11 per MMBtu at 14.73 psia. Effective December 31, 1979, the contract term was extended until December 31, 1984. As of January 1, 1980, MPTM succeeded to the interest of Mobil Oil as the seller under the Channel contract. The contract provided for a 40 MMcf average daily contract quantity. However, gas was sold under the contract only to the extent it was surplus to prior Mobil Oil or MPTM contract commitments to other purchasers.

MPTM submits that the gas sold under the contract originally qualified only for the maximum lawful price of section 105(b)(2) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301 *et seq.* (Supp. II, 1978)), but qualified for the NGPA section 106(b) price beginning on December 31, 1979 when the contract allegedly rolled-over. MPTM submits further that the applicable NGPA maximum lawful price on January 1, 1981, for the average daily quantity of gas sold under the contract (40 MMcf) was $2.387 per MMBtu at 14.73 psia.

MPTM states that Mobil Oil and MPTM sold gas in intrastate commerce from the same unit to Texas Electric Service Company (TESCO) under a contract between Mobil Oil and TESCO dated May 1, 1959. The price under the TESCO contract is stated as $.295 per Mcf at 14.65 psia on November 9, 1978, and was the contract price in effect when the contract term expired on January 1, 1981.

MPTM further states that the Channel contract also permitted additional deliveries of up to 120 percent of the 40 MMcf daily contract quantity as well as certain deliveries in excess of the 120 percent limitation. MPTM asserts that when Mobil Oil or MPTM had such additional gas for sale, Channel had the right to, and did on occasion, purchase such additional volumes.

MPTM submits that volumes in excess of the 40 MMcf daily contract quantity available for sale after the expiration of the TESCO contract qualified for the NGPA section 105(b)(2) price. It also asserts that the excess volumes qualify under NGPA section 106(b) for a maximum lawful price of $2.387 per MMBtu at 14.73 psia effective January 1, 1981, the date the contract allegedly rolled-over.

MPTM requests that the Commission issue an order:

(1) confirming that the 40 MMcf per day volumes qualified for the maximum lawful price under NGPA section 105(b)(2) under the terms of the Channel contract as they existed on November 9, 1978;

(2) confirming that the applicable maximum lawful price for the sale of said volumes is now the price under NGPA section 106(b);

(3) determining the maximum lawful price under NGPA section 106(b) applicable to the volumes previously sold to TESCO in excess of 40 MMcf per day commencing January 1, 1981; and

(4) determining whether the price determined in number (3) above is the maximum lawful price MPTM can charge for the volumes in excess of 40 MMcf per day, irrespective of who the buyer is.

Any person desiring to be heard or to protest this petition must file a petition to intervene or a protest in accordance with §§ 1.8 or 1.10 of the Commission Rules of Practice and Procedure. All petitions or protests shall be filed with the Secretary of the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C., 24026 on or before April 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to this proceeding. Any person desiring to become a party must file a petition to intervene. Copies of the petition in this docket are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9576 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4212-000]

City of Morris, Illinois; Application for Preliminary Permit

March 25, 1981.

Take notice that The City of Morris, Illinois (Applicant) filed on February 17, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4212 to be known as the Dresden Island Lock and Dam Project located on the Illinois River in Grundy County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Michael E. Ament, Shive-Hattery and Associates, P.O. Box 1803 Cedar Rapids, Iowa 52406. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Dresden Island Lock and Dam. The proposed project would consist of: (1) a proposed powerhouse, to be located downstream of the dam, containing eight generating units with a total installed capacity of 17.6 MW; and (2) appurtenant facilities.

The applicant estimates that the average annual energy output would be 93 GWh.

Purpose of Project—Applicant proposes to sell energy produced to Commonwealth Edison Company.

Propose Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates cost of studies under its permit would be approximately $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives

the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, state and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company's Project No. 3569 filed on October 14, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determing the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 21, 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 a response to this notice of application for preliminary permit for Project No. 4212. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9585 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-36-001]

Mountain Fuel Supply Co.; Amended Tariff Sheet Filing, Effective April 1, 1981

March 25, 1981.

Take notice that on March 16, 1981, Mountain Fuel Supply Company (Mountain Fuel), pursuant to § 1.11(a) of the Regulations of the Federal Energy Regulatory Commission (Commission), filed Substitute Twelfth Revised Sheet No. 3-A to its FERC Gas Tariff, Original Volume No. 1. Mountain Fuel states that the filed tariff sheet reflects a correction to the Unrecovered Purchased Gas Cost Account of Rate Schedule X-20. The tariff sheet reflects a net increase from that currently being collected of $.06435/Mcf (Rate Schedule X-4), and $.08434/Mcf (Rate Schedule X-5) and a net decrease of $.45690/Mcf (Rate Schedule X-20) all to be effective April 1, 1981.

Any person desiring to be heard or to make any protest with reference to said filing should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. Mountain Fuel Supply Company's Tariff Filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9577 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4152-000]

Municipal Electric Power Association of Virginia; Application for Preliminary Permit

March 25, 1981.

Take notice that Municipal Electric Power Association of Virginia (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4152 to be known as the John W. Flannagan Project located on the Pound River in Dickenson County, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: R. Michael Amyx, Municipal Electric Power Association of Virginia, 311 Ironfronts, Post Office Box 753, Richmond, Virginia 23206. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' John W. Flannigan Dam and would consist of: (1) a new steel liner through the existing outlet tunnel and a short penstock; (2) a new powerhouse containing generating units having a rated capacity of 9,000-kW; (3) a tailrace; and (4) appurtenant facilities. The Applicant would deliver project energy to main transformers and switching equipment adjacent to the powerhouse, and it is anticipated that transmission lines would extend one to two miles from the switchyard to an interconnection with an existing transmission system. The Applicant estimates that the average annual energy output would be 24,000,000 kWh.

Purpose of Project—The Applicant would utilize the project energy within its municipal systems.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. The Applicant proposes that it would perform data acquisition, investigations, studies, feasibility evaluation, consult with Federal, State, and local government agencies, and prepare an application for an FERC license, including an

environmental report. The Applicant estimates the cost of studies under the permit would be about $230,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Continental Hydro Corporation Project No. 3369 filed on August 25, 1980, under 18 CFR 4.33(1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 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 a response to this notice of application for preliminary permit for Project No. 4152. 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 each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9582 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP76-492]

National Fuel Gas Supply Corp.; Penn-York Energy Corp.; Shortening Comment Period

March 24, 1981.

On March 20, 1981, National Fuel Gas Supply Corporation and Penn-York Energy Corporation filed a request for a shortening of the comment period on the offer of settlement filed March 20, 1981, in the above-docketed proceeding. In support of this request, the motion states that expedited approval of this Offer of Settlement is required in order to implement construction services proposed in a related offer of settlement filed in Docket No. CP80-65, whose effectiveness is conditioned upon approval of the settlement filed in Docket No. CP76-492. The motion further states that Commission Staff does not oppose this request to shorten the comment period.

Notice is hereby given that comments on the Offer of Settlement shall be filed on or before March 30, 1981. Reply comments shall be filed on or before April 9, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9578 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-107, et al.]

Natural Gas Pipe Line Co. of America; Informal Settlement Conference

March 24, 1981.

Take notice that on April 1, 1981, at 10:00 a.m., a further settlement conference will convene in the above-captioned docket. All interested persons are invited to attend this conference. The meeting place for this conference will be at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Customers and other interested persons will be permitted to attend but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9596 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-332-001]

Natural Gas Pipeline Co. of America, et al.; Amendment to Application

March 25, 1981.

Take notice that on January 13, 1981, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79.322.001 an amendment to their application filed in the instant docket pursuant to Section 3 of the Natural Gas Act so as to reflect changes in agreements to purchase natural gas from ProGas Limited (ProGas), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that their original application requested authorization for the importation of Canadian natural gas purchased from ProGas. Applicants state that they have entered into a September 17, 1980, letter of understanding with ProGas which sets forth the various agreements of the Applicants and ProGas to amend existing agreements and to enter into additional agreements to implement the

import proposal. Applicants herein propose to revise the gas purchase contracts in order to reduce the total maximum volume of gas to be imported between the date of first delivery and November 1, 1982, from 300,000 Mcf per day to 150,000 Mcf per day.

Applicants also assert that Natural and Mich Wis have agreed to assign their rights and obligations to purchase gas under their gas purchase contracts for the period November 1, 1980, through October 31, 1982, to Tennessee and Texas Eastern and that Tennesee and Texas Eastern have agreed to assume those rights and obligations. It is stated that Natural proposes to take delivery of the gas which it purchases from ProGas at Monchy, Saskatchewan, border point and have such gas delivered from there to its facilities by Northern Border Pipeline Company (Northern Border) and Northern Natural Gas Company, Division of InterNorth, Inc. It is stated that to provide for the eventuality that Northern Border is not able to transport such gas as early as the time that deliveries to Natural are to begin, the assignment provides for Natural to be able to receive gas through the Emerson, Manitoba, border point with deliveries from that point by Great Lakes Gas Transmission Company and relative to further such transportation by Mich Wis.

Applicants also state that the agreement provides for the transportation of volumes to be imported by Natural by prebuilt southern portions of the Alaska Natural Gas Pipeline System (Northern Border and Foothills Pipeline (Yukon) Ltd.) as soon as they are able to carry out such transportation thus assisting that pipeline system to be built. Moreover, it is stated that Applicants have entered into contracts with ProGas which reduce the minimum take-or-pay levels in the original gas purchase contracts thus increasing the flexibility of the United States purchasers to tailor purchases to gas requirements.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before, April 15, 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 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9591 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-230-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

March 25, 1981.

Take notice that on March 11, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-230-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compressor facilities and for permission and approval to abandon certain other compressor facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon one 703 horsepower compressor unit and one 763 horsepower compressor unit at its No. 2 compressor station in Hutchinson County, Texas. Applicant further proposes to construct and operate one 247 horsepower compressor unit and one 498 horsepower compressor unit as replacements for the abandoned units. Applicant contends that the new facilities would compress declining volumes of natural gas and would provide flexibility to Applicant's Fuller system gathering field which delivers gas to the Hutchinson County No. 2 plant for compression.

It is asserted that the existing compressor units are currently compressing volumes which have declined to a level which reduces the utilization and efficiency of the units because unit suction pressure and volume deliverability have declined significantly in the last five years.

It is stated that both the 247 horsepower and 498 horsepower compressor units would provide the operational flexiblity required for the next five years.

Applicant estimates the construction costs of the proposed facilities to be $1,076,800 which would be financed from cash on hand. It is further stated that the estimated cost to abandon and remove the subject facilities is $57,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 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 157.70). 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 juridiction 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 and permission and approval for the proposed abandonment are 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 repesented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9568 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-236-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

March 25, 1981.

Take notice that on March 16, 1981, Northern Natural Gas Company Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-236-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on a limited-term and best-efforts basis to El Paso Natural Gas Company (El Paso), all as more fully set forth in the application

which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated February 2, 1981, Applicant proposes to sell up to 100,000 Mcf of natural gas per day to El Paso on a best-efforts basis. Applicant asserts that the proposed sale would extend through October 31, 1983. It is further asserted that the gas to be sold to El Paso would be surplus to the needs of Applicant's existing customers and that such volumes would be marketed from Applicant's general system supply without jeopardizing service to Applicant's customers.

Applicant proposes to deliver the subject gas to El Paso at any one or any combination of (1) the Keystone delivery point located in Winkler County, Texas; (2) the Plains delivery point located in Yoakum County, Texas; and (3) the Ignacio delivery point, an existing interconnection between Northwest Pipeline Corporation and El Paso, in La Plata County, Colorado.

Applicant proposes to charge El Paso the currently effective Section 102 price of the Natural Gas Policy Act of 1978.

Applicant asserts that in instances when it cannot provide total requested deliveries to its off-system sales customers due to the volume demand of its general system requirements, it would apply any excess volumes in a *pro rata* manner to off-system customers.

It is stated that El Paso would utilize the subject gas in its general system supply to minimize the curtailment El Paso has projected over the term of this sale.

Applicant further seeks authorization for its proposed treatment of revenues to be received from the proposed off-system sale. It is asserted that Applicant would refund all off-system sales revenues received in excess of the sum of (a) any incremental cost incurred in making the sales, (b) the variable cost reflected in Applicant's rates, and (c) certain offsets for Applicant's actual cost of service not recovered through the sales refund obligation provisions in Docket No. RP80–88 Stipulation and Agreement approved by the Commission on February 20, 1981.

It is stated that the proposed sale would reduce Applicant's take-or-pay deficiency payments and would provide a market for Applicant's short-term surplus of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 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. 81–9569 Filed 3–30–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–346–000]

Pacific Gas and Electric Co.; Filing

March 25, 1981.

The filing Company submits the following:

Take notice that on March 16, 1981, Pacific Gas and Electric Company (PG&E) tendered for filing a contract dated January 28, 1981, entitled "Agreement for Sale of Electric Capacity and Energy by Pacific Gas and Electric Company to City of Santa Clara" (Agreement). The Agreement cancels and supersedes the Agreement for Sale of Electric Capacity and Energy by PG&E to City of Lompoc, dated November 8, 1955, as amended on August 24, 1966. The agreement provides for all Power requirements of the City of Lompoc (City) to be obtained from PG&E, under the terms and conditions of the Agreement. In addition, the Agreement provides for the conversion of the City's facilities from 12 kv capacity to 70 kv capacity with provision for later conversion to 115 kv deliveries.

Rates will continue to be those rates contained in the Rate Schedule R–1 of PG&E's FPC Electric Service Tariff, Original Volume No. 2. Section 2 of said schedule is the basis for the voltage discount which will now apply to the City. PG&E has requested waiver of the notice requirements pursuant to § 35.11 of the Commission's Regulations to permit an effective date of April 1, 1980.

Copies of the filing were served upon City and the California Public Utilities 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 NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81–9597 Filed 3–30–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4155–000]

Roaring Creek Ranch; Application for Preliminary Permit

March 25, 1981.

Take notice that Roaring Creek Ranch (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4155 to be known as Roaring Creek Project located on Roaring Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Larry Pane, 1707 Lacer Street, Reeding, California 96001. Any person who wishes to file a response to this notice

should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project woud consist of: 1) a 2-foot high rock-and-concrete diversion structure; 2) a 2,750-foot long and 47-inch diameter conduit; 3) a 450-foot long steel penstock; 4) a powerhouse containing one generating unit rated at 1,075 kw; and 5) a 0.5 mile long transmission line.

The Applicant estimates that the average annual energy output would be 5.8 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, geological, environmental, 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 $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 20, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before May 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", 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. 4155. 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. 81-9579 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3934-000]

Santaquin City Corp.; Application for Preliminary Permit

March 25, 1981.

Take notice that Santaquin City Corporation (Applicant) file on January 6, 1981, application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3934 to be known as Santaquin Project located on Summit Creek in Utah 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. Clark M. Mower, Water Power Company, P.O. Box 22208, Salt Lake City, Utah 84122. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing rock diversion dike, 3 feet high and 25 feet long; (2) an existing intake structure; (3) a new 14,000 foot long penstock; (4) a new powerhouse having an installed generating capacity of 1,300 kW; discharging into (4) an existing concrete lined canal; (5) new transmission lines; and (6) appurtenant works. The existing structures are owned and operated by the Santaquin Irrigation and Canal Company. The applicant estimates that the average annual energy output would be 4,250,000 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company.

Project Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time Applicant will investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $22,200.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the

proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to particpate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3934. 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. 81-9580 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-224-000]

Southern Energy Co.; Application

March 25, 1981.

Take notice that on March 4, 1981, Southern Energy Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-224-000 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 a 280 horsepower compressor unit, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by order issued January 16, 1981, in Docket No. CP81-139-000, Applicant and Boston Gas Company (Boston Gas) were authorized to engage in an emergency delayed exchange of a quantity of liquefied natural gas (LNG) equivalent to approximately 1,300,000 Mcf of vaporous gas. It is further submitted that under its agreement with Applicant Boston Gas is permitted to redeliver to Applicant a quantity of LNG above the quantity received from Applicant. Applicant states that in the event Boston Gas delivers additional LNG to Applicant Applicant would deliver for the account of Boston Gas a thermally equivalent quantity of natural gas to a third party transporter interconnected with Southern Natural Gas Company's pipeline system.

Applicant asserts that if Boston Gas arranges for delivery of additional LNG to Applicant's LNG terminal, the maximum amount of LNG to be delivered by Boston Gas would be the equivalent of approximately 2,500,000 Mcf of natural gas and that such a quantity added to that presently in storage at Applicant's LNG terminal would increase its LNG inventory to the extent that Applicant would have LNG in all its storage tanks.

Applicant states that under a current conservation plan daily deliveries of regasified LNG by Applicant have been reduced to the maximum extent possible by limiting such deliveries to the quantity of LNG which vaporizes in its storage tanks. It is asserted that the increased quantity of LNG vaporizing in its storage tanks resulting from additional LNG delivered by Boston Gas would exceed the capacity of the unit used to compress such gas to pipeline pressure.

Applicant states that in order to be able to deliver this gas it has arranged to lease an additional 280 horsepower compressor unit for a term of six months at a monthly rental of $4,400. It is submitted that these facilities would be installed at Applicant's LNG terminal at Elba Island, Georgia, and that if Applicant exercises its option to purchase the unit a portion of each rental payment would be applied to the purchase price.

Appicant estimates the cost of installing the proposed facilities to be $74,000 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 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. 81-9570 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-228-000]

Southwest Gas Corp.; Application

March 25, 1981.

Take notice that on March 9, 1981, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP81-228-000 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 4 new high-pressure tap facilities to provide additional points of delivery to residential customers in Pershing and Washoe Counties, Nevada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate 4 new high-pressure taps to facilitate natural gas delivery to residential customers in Pershing and Washoe Counties, Nevada. Applicant states that one tap would be located on Applicant's Elko Lateral to deliver gas to Pershing County customers. It is further stated that three taps would be located on Applicant's North Lake Tahoe Lateral to facilitate gas deliveries to Washoe County customers. Applicant asserts that the facilities downstream of the taps would be constructed in an area certificated by the Public Service Commission of Nevada (PSCN). It is further submitted that the sale of gas would be made pursuant to existing authority from the PSCN.

Applicant states that the cost of the Elko Lateral facility would be approximately $915 while the cost of the North Lake Tahoe Lateral taps would be approximately $1,950 each. The total cost of $6,765 would be financed by customer advances made to Applicant, it is stated.

Applicant states the volumes to be delivered would be for Priority 1 use with a total annual usage of 1,351 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 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. 81-9592 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-65]

Tennessee Gas Pipeline Co.; Shortening Comment Period

March 24, 1981.

On March 20, 1981, Tennessee Gas Pipeline Company filed a request for a shortening of the comment period on the Offer of Settlement filed March 20, 1981, in the above-docketed proceeding. In support of this request, the motion states that the company wants to expedite a decision in this proceeding in order to implement vital transportation services to its customers. The motion further states that all parties, including Commission Staff and National Fuel Gas Supply Corporation, support this request for a shortening of the comment period.

Notice is hereby given that comments on the Offer of Settlement shall be filed on or before March 30, 1981. Reply comments shall be filed on or before April 9, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-9581 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-223-000]

Transcontinental Gas Pipe Line Corp.; Application

March 25, 1981.

Take notice that on March 4, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-223-000 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 certain pipeline and appurenant facilities located offshore Texas, 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 approximately 2.61 miles of 12-inch pipeline and appurtenant metering, regulating and other facilities to attach new gas supplies located in Mustang Island Block 762, offshore Texas, (Block 762) and two adjoining blocks. Applicant states that it plans to purchase gas supplies from Transco Gas Supply Company which has purhcased the gas from the Atlantic Richfield Company (ARCO), the owner of 100 percent interest in the reserves of Mustang Island Blocks 757, 762 and 763. It is stated that the quantities would be transported to onshore points through (a) the facilities proposed herein extending from Block 762 to adjoining Block 758; (b) certain proposed facilities to be jointly owned by Applicant, Southern Natural Gas Company, (Southern), Natural Gas Pipeline Company of America and Northern Natural Gas Company, Division of InterNorth, Inc., extending from Block 758 to Matagorda Island Block 686; and (c) the existing Matagorda Offshore Pipeline System owned by Northern, Southern, and Florida Gas Transmission Company (Florida) extending from Block 686 to an onshore connection with

Florida. It is further stated that such facilities would connect with the ARCO "A" platform in Block 762 and extend to a subsea tie-in with the jointly owned facilities to be constructed in adjoining Block 758.

It is stated that ARCO believes that proven reserves in Mustang Island Blocks 757, 762 and 763 are about 23,500,000 Mcf with maximum deliverability of approximately 48,000 to 49,000 Mcf per day. Applicant states that under the anticipated operating conditions of the proposed facilities during the 1981–82 winter, the pipeline would accommodate a flowing gas volume of 20,000 Mcf per day from Block 762. It is stated that production from Blocks 757 and 762–C would be ready to begin in mid or late 1982 and Applicant has designed the proposed pipeline facilities with the capacity to accommodate the additional volumes from these blocks.

Applicant estimates the cost of the proposed facilities to be $3,560,000 which would be financed initially through short-term loans and available cash with permanent financing undertaken as part of an overall long-term financing program at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 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. 81-9593 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-231-000]

Transcontinental Gas Pipe Line Corp.; Application

March 25, 1981.

Take notice that on March 12, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in docket No. CP81-231-000 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 additional facilities at Applicant's new Village delivery point to Elizabethtown Gas Company (Elizabethtown) in Warren County, New Jersey, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate additional metering and regulating equipment to be located at Applicant's existing New Village delivery point to Elizabethtown. Applicant states that it has agreed to transport for Elizabethtown up to 30,000 dekatherms equivalent of natural gas per day on an interruptible basis for which Applicant requires the additional facilities. It is stated that such quantities would be received by Applicant from Natural Gas Pipeline Company of America (Natural) for the account of Elizabethtown at an existing interconnection point between Applicant and Natural in Cameron Parish, Louisiana, for delivery to Elizabethtown at New Village.

Applicant further states the facilities are estimated to cost $176,000 which would be reimbursed by Elizabethtown. Applicant submits, however, that it would retain ownership, operation and maintenance rights of such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 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. 81-9594 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-181-000]

Transok Pipe Line Co.; Application for Approval of Rates

March 25, 1981.

Take notice that on February 25, 1981, Transok Pipe Line Company (Applicant), 600 South Main Street, Tulsa, Oklahoma 74101, filed in Docket No. ST81-181-000 an application pursuant to Section 311(a) of the Natural Gas Policy Act of 1978 (NGPA) and § 284.123(b)(2) of the Commission's Regulations thereunder for approval of its rates for the transportation of natural gas on behalf of United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a contract with United dated October 20, 1980, which provides for the transport of up to 105 billion Btu of natural gas per day by Applicant on behalf of United for a period of two

years. It is submitted that under such agreement, Applicant would take delivery of the gas at or near the wellhead and redeliver such gas for the account of United to Panhandle Eastern Pipe Line Company (Panhandle) at mutually agreeable points on Panhandle's system in Oklahoma. It is further submitted that the redelivered volumes would be reduced by 2 percent for company use and fuel.

Applicant asserts that United would be permitted to tender gas in excess of 105 billion Btu per day and that Applicant would have sole discretion to accept it. It is also stated that initial deliveries of gas would begin on or about February 25, 1981, ending two years from such date.

Applicant states that it is required to construct, operate and maintain an $8,100,000 extension to its pipeline system in order to connect its existing intrastate system to the primary redelivery point. It is submitted that the extension would be a 20-inch line approximately 25 miles in length extending from Applicant's existing system to a point of intersection with Panhandle's existing system. Applicant anticipates that the new extension would be used exclusively to transport gas on behalf of United.

Applicant asserts that the transportation rate which it would charge for gas redelivered to United would be 23.2 cents per million Btu. It is submitted that Applicant would also impose a monthly demand charge of $2.776 per million Btu for the maximum daily quantity specified in the contract commencing with the initial flow of gas.

It is further stated that if the volumes transported by Applicant in the new facilities during any month are less than 105 billion Btu on an average daily basis as a result of *force majeure* or the failure of any company selling gas to be transported to deliver such gas to United, the minimum monthly bill would be reduced by an amount equal to the product of (a) the demand charge then specified in Section 3.1 of the agreement divided by 30.4 and (b) the difference between the quantities of gas actually transported during said month and 105 billion Btu times the number of days in said month.

Applicant asserts that the installation of compression facilities would be necessary in order to permit Applicant to redeliver gas volumes to Panhandle for the account of United and that accordingly, Applicant has agreed to install and operate such facilities. It is submitted that United's compression charge would be Applicant's actual cost of the compression and related facilities plus labor, overheads, and a return on investment. It is also submitted that the compression charge is specified in a compression agreement dated October 19, 1979, as amended February 9, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 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. 81-9531 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3329-001]

City of Altus, Oklahoma; Application for Preliminary Permit

March 26, 1981.

Take notice that the City of Altus, Oklahoma (Applicant) filed on January 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3329 to be known as the Altus Hydro Project located on North Fork of Red River in Jackson County, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Application should be directed to: Mr. Ron Bourbeau, City Administrator, City of Altus, P.O. Box 914, Altus, Oklahoma 73521. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the Water Power Resources Services existing multipurpose Altus Dam and Reservoir and would consist of: 1) a powerhouse measuring 50 by 30 feet located immediately downstream; 2) one 915-kV turbine/generator unit; 3) a substation; 4) one transmission line several miles long and 5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 1,976,400 kwh.

Purpose of Project—Power would be used by the Applicant for municipal purposes.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a prelimianary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies, concerning the potential environmatal effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $38,000.

Purpose of Preliminary Permit—A perliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to detemine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, state, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comment should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to

interverne 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 petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3329. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb

Secretary.

[FR Doc. 81-9683 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4039-000]

City of Ankeny; Notice of Application for Preliminary Permit

March 26, 1981.

Take notice that the City of Ankeny (Applicant filed on January 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4039 to be known as Saylorville Dam located on Des Moines River in Polk County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ollie J. Weigel— Mayor—City of Ankeny—City Hall, Ankeny, Iowa 50021. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse containing generating units having a total installed capacity of 6 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located on U.S. lands. The Applicant estimates that the average annual energy output would be 27,594,000 kWh.

Purpose of Project—The energy produced at the project would be sold to Iowa-Illinois Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 12 months. During that time studies would be made to determine the economic, environmental, and engineering feasibility of the project. In addition, Federal, State, and local government agencies would be consulted to determine the environmental effects of the project. Applicant estimates the cost of the studies would be approximately $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc. Project No. 3596 filed on October 22, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 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 a response to this notice of application for preliminary permit for Project No. 4039. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20425. 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. 81-9684 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4262-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

March 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on February 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4262 to be known as Soctish Creek, Humboldt, located on Soctish Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., Suite 208, 4543 Post Oak Place, Houston, Texas 77027. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) 78-foot long; 5-foot high, 8-foot wide concrete diversion structure; (3) a 4,000-foot long diversion conduit or channel; (4) a 800-foot long, 35-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 1,600 kW; and (6) a 0.5 mile long, 12.5 kV transmission line. The Applicant estimates that the average annual energy output would be 6.2 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would survey the property; study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4262. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9696 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4260-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

March 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on February 26, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4260 to be known as Campbell Creek, Humboldt located on Campbell Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., Suite 208, 4543 Post Oak Place, Houston, Texas 77027. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 60-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 4,100-foot diversion conduit or channel; (4) a 1,060-foot long, 27-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 1,500-kW; and (6) a 0.6 mile long, 12.5 kV

transmission line. The Applicant estimates that the average annual energy output would be 5.9 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary period for a period of 36 months, during which it would survey the property; study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertake the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminiary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must confrom with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4260. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9695 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4261-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

March 27, 1981.

Take notice that Consolidated Hydroelectric Inc. (Applicant) filed on February 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4261 to be known as Bull Creek, Humboldt located on Bull Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., Suite 208, 4543 Post Oak Place, Houston, Texas 77027. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 55-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 3,550-foot long diversion conduit or channel; (4) a 900-foot long, 28-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 2,100-kW; and (6) a 0.1 mile long, 12.5 kV transmission line. The Applicant estimates that the average annual energy output would be 8.4 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would survey the property; study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that recieve this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 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 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4261. 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 applications, 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. 81-9694 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4263-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

March 27, 1981.

Take notice that Consolidated Hydroelectric Inc. (Applicant) filed on February 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4263 to be known as Slate Creek, Yuba located on Slate Creek in Yuba County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., Suite 208, 4543 Post Oak Place, Houston, Texas 77027. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 135-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 3,500-foot long diversion conduit or channel; (4) a 500-foot long, 42-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 3,500-kW; and (6) a 2.5 mile long, 12.5 kV transmission line. The Applicant estimates that the average annual energy output would be 13.7 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would survey the property; study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all

capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4263. 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 applications, 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. 81-9693 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4230-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

March 26, 1981.

Take notice that Consolidated Hydroelectric Inc. filed on February 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4230 to be known as McKinney Creek, Siskiyou Power Project located on McKinney Creek in Siskiyou 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. L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., Suite 208, 4543 Post Oak Place, Houston, Texas 77027. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion structure within the east bank of the McKinney Creek; (2) a 7,000-foot long conduit or channel; (3) a 37-inch diameter, 1,100-foot long penstock; (4) a powerhouse containing generating units with a total rated capacity of 3,500-kW; and (5) a 1.3-mile long, 12.5 kV transmission line connecting the powerhouse with an existing Pacific Power and Light Company's (PP&L) transmission line north of the proposed project. The Applicant estimates that the average annual energy output would be 14 million kWh.

Purpose of Project—Project energy would be sold to PP&L.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental 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 between $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4230. 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 applications, 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. 81-9685 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-34-000]

Consumers Power Co.; Notice of Application

March 25, 1981.

Take notice that Consumers Power Company ("Consumers") on March 20, 1981, filed an Application for Authority pursuant to Section 204 of the Federal Power Act to enter into the following financing agreement.

Consumers intends to enter into a credit agreement (the "Credit Agreement") with Southern Michigan Energy Corporation, a special purpose Delaware corporation (the "Issuer") and Westdeutsche Landesbank Girozentrale, New York Branch (the "Agent Bank"), and First National Bank in St. Louis, Gulf International Bank B.S.C., Hessiche Bank, The Royal Bank of Canada, New York Agency, Union Bank (Los Angeles) and such additional or replacement banks as the officers of the Applicant may choose (the "Lending Banks") for the purpose of financing Consumers' current transactions as set forth in Exhibit K of the Credit Agreement. Concurrently with the execution of the Credit Agreement, Consumers will enter into a guaranty (the "Guaranty") in favor of the Agent Bank and the Lending Banks and a pledge and security agreement (the "Pledge and Security Agreement") with the Issuer, the Agent Bank and Morgan Guaranty Trust Company of New York (the "Collateral Agent"). Pursuant to the Credit Agreement, the Issuer may issue commercial paper, payment of which is guaranteed by Consumers, and advance the proceeds to Consumers, or the Agent Bank and the Lending Banks may make a loan to Consumers, the amount of such advance or such loan, not to exceed $100,000,000, either severally or in aggregate. The commitment of the Agent Bank and the Lending Banks to support any such commercial paper or to make such loan will be available to Consumers until 364 days from the date of execution of the Credit Agreement.

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 Sections 1.8 and 1.10). All such petitions or protests should be filed on or before April 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9682 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES 81-32-000]

Consumers Power Co.; Notice of Application

March 26, 1981.

Take notice that Consumers Power Company (Consumers) on March 18, 1981, filed an application for authorization to enter into a nuclear fuel leasing arrangement with Mid-Michigan Energy Company (MMEC), a Michigan corporation, organized solely for the purpose of receiving and holding title to nuclear fuel, leasing the fuel to Consumers, and making loans to Consumers to be evidenced by Promissory Notes maturing in less than 12 months. Consumers states that a similar existing nuclear fuel leasing arrangement with MMEC will expire on May 29, 1981. Accordingly, Consumers requests authority to enter into the new nuclear fuel leasing arrangement effective May 30, 1981.

The purpose of the nuclear fuel leasing arrangement is to finance the acquisition of nuclear fuel assemblies at favorable rates. MMEC will make payments to suppliers of nuclear fuel and reimburse Consumers for payments made by Consumers for nuclear fuel, provided that the payments by MMEC do not exceed $140,000,000 outstanding in aggregate at any one time.

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 April 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. 81-9674 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3776-000 and 3996-000]

Continental Hydro Corp. and Enagenics; Applications for Preliminary Permit

March 26, 1981.

Take notice that Continental Hydro Corporation (CHC) and Enagenics (Applicants) filed on November 25, 1980, and January 13, 1981, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project Nos. 3776 and 3996, respectively, to be known as Patoka Lake Dam Project, located on the Patoka River in Dubois County, Indiana. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109 or Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would utilize an existing U.S. Army Corps of Engineers' dam, and the Applicants' facilities would be located mostly on U.S. lands.

Continental Hydro Corporation Project No. 3776 would consist of: (1) a proposed powerhouse, located at the northwest end of the existing dam, with generating units having a total installed capacity of 2.8 MW; (2) a proposed penstock extending from the inlet channel to the powerhouse; (3) proposed transmission lines; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output of the project would be 5,200 MWh.

Enagenics Project No. 3996 would consist of : (1) a proposed powerhouse, located at the northwest end of the existing dam, with generating units having a total installed capacity of 3.2 MW; (2) a proposed gate control tower, located at the intersection between the existing dam and inlet channel; (3) proposed transmission lines. and (4) appurtenant facilities. The Applicant estimates that the average annual energy output of the project would be 5,300 MWh.

Purpose of Projects—Energy produced at Project No. 3776 would be sold to the Indiana Statewide Rural Electric Cooperative. Energy produced at Project No. 3996 would be sold to the Public Service Company.

Proposed Scope and Cost of Studies under Permit—Each Applicant seeks issuance of a preliminary permit for a period of 36 months. During that time they would determine the economic feasibility of the project, apply for DOE funding, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project and prepare an application for FERC license, including an environmental report. CHC estimates the cost of the studies for the project would be approximately $48,000. Enagenics estimates the cost of the studies would be approximately $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3776 and 3996. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9686 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 25, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION						
=PETROLEUM ENTERPRISES			RECEIVED: 03/11/81 JA: KS			
8121852	K-78-0034	1503521810 108	MITTLE #1 SEC 20 T33S R4E	POSEY	900.0	COLONIAL CORP
OKLAHOMA CORPORATION COMMISSION						
=A F E ENGINEERING			RECEIVED: 03/06/81 JA: OK			
8120743	07574	3506321187 103	THORNTON #1-25	S W MILLTOP	180.0	ARKLA EXPLORATION CO
=APOLLO PRODUCTION LTD			RECEIVED: 03/09/81 JA: OK			
8120771	07675	3507302444 103	WOOLWINE NO 84-2	NORTHEAST OKARCHE	99.0	PHILLIPS PETROLEUM C
=BERRY PETROLEUM CORP			RECEIVED: 03/09/81 JA: OK			
8120794	06951	3504720047 103	MOLLE #1-1	BOONER TRENO	0.0	GRACE PETROLEUM CORP
8120795	06952	3504720206 103	SCHROEDER NO 1-1	BOONER TRENO	150.0	GRACE PETROLEUM CORP
=BLUE QUAIL ENERGY INC			RECEIVED: 03/06/81 JA: OK			
8120693	07570	3501721348 103	ATWOOD #1	SE YUKON C SE SW 825	450.0	PHILLIPS PETROLEUM C
=BROWN & BORELLI INC			RECEIVED: 03/06/81 JA: OK			
8120734	07423	3507302437 103	PERDUE #1	BOONER TREND	94.8	PHILLIPS PETROLEUM C
=BTA OIL PRODUCERS			RECEIVED: 03/09/81 JA: OK			
8120774	07677	3505100809 103	BAKER #3 7703	N W ALEX	584.0	MOBIL OIL CORP
=CGA OIL COMPANY			RECEIVED: 03/06/81 JA: OK			
8120703	07598	3510923421 103	JOHNSON #1	NOWATA CLASETT	80.0	A-B SYSTEMS INC
=CGA OIL COMPANY			RECEIVED: 03/09/81 JA: OK			
8120765	07678	3510900000 103	LINVILLE #1	NOWATA CLASETT	18.0	A-B SYSTEMS INC
=CANADIAN EXPLORATION CORP			RECEIVED: 03/09/81 JA: OK			
8120788	07632	3501721409 103	HYATT NO 2-1	NORTH YUKON	60.0	CONOCO INC
=CHAMPLIN PETROLEUM COMPANY			RECEIVED: 03/06/81 JA: OK			
8120711	07669	3504720131 103	SARAH REBIER NO 8	N E ENID	80.0	CHAMPLIN PETROLEUM C
=CHASE EXPLORATION CORP			RECEIVED: 03/06/81 JA: OK			
*8120714	07603	3507180908 103	MONICK #8-21	NEVA	1.8	CITIES SERVICE GAS C
*8120718	07605	3507121428 103	MONICK #2-28	NEVA	2.9	CITIES SERVICE GAS C
*8120706	07599	3507121114 103	JOHNSON #1-15	NEVA	4.6	CITIES SERVICE GAS C
*8120719	07601	3507121880 103	LUTE #1-35	NEVA	5.1	CITIES SERVICE GAS C
*8120717	07604	3507120956 103	STOCKTON #1-24	NEVA	2.5	CITIES SERVICE GAS C
=CHASE EXPLORATION CORP			RECEIVED: 03/09/81 JA: OK			
8120761	07600	3507181833 103	BORTH #8-7	NEVA	1.3	CITIES SERVICE GAS C
8120760	07602	3507121734 103	CLINE #1-18	VIOLA	7.7	CITIES SERVICE GAS C
=CLARK RESOURCES INC			RECEIVED: 03/06/81 JA: OK			
8120731	07395	3504722170 103	HEDGES 4-1	BOONER TRENO	107.0	CITIES SERVICE GAS C
8120730	07394	3504722114 103	WINBURN 36-1	BOONER TREND	1090.0	EASON OIL CO
=CLARK RESOURCES INC			RECEIVED: 03/09/81 JA: OK			
8120776	07703	3507300836 103	BURDICK 17-1	BOONER TRENO	109.3	CITIES SERVICE GAS C

JD NO	JA DKT	API NO	SEC	D WELL NAME
8120767	07702	3509321670	103	OTT 27-1
-D B B GAS & OIL CO				RECEIVED: 03/06/81 JA: OK
8120748	07561	3504721650	103	JOHNSON #1
-DAVID MORGAN				RECEIVED: 03/06/81 JA: OK
8120723	07532	3507322513	103	WILCOX #1
-EL PASO NATURAL GAS COMPANY				RECEIVED: 03/06/81 JA: OK
8120747	07587	3500935441	108	FRANCIS #1
-EL PASO NATURAL GAS COMPANY				RECEIVED: 03/09/81 JA: OK
8120781	10519	3500920369	107	REUBIN POTTER #1
-EXXON CORPORATION				RECEIVED: 03/09/81 JA: OK
8120780	10563	3512920450	107	DAUER #1
-FITKIN PETROLEUM CORP				RECEIVED: 03/06/81 JA: OK
8120719	07581	3510920356	103	PHIL DAUGHERTY TRUSTEE NO 1
-GULF OIL CORPORATION				RECEIVED: 03/06/81 JA: OK
8120755	07487	3507322320	103	GOODEN ET AL W J NO 1-18
8120750	07502	3503900000	108	MIERONYMOUS F #1
8120751	07595	3505120086	108	JOHN COURTNEY #1
8120752	07597	3501121015	103	JOHN EPLER ETAL #1-11
8120749	07593	3500700000	108	NEAL J C #1
-HELMERICH & PAYNE INC				RECEIVED: 03/09/81 JA: OK
8120763	10517	3514920090	107	DAVID NO 1-13
-HESTON OIL CO				RECEIVED: 03/09/81 JA: OK
8120762	07755	3507322536	103	HEDGECOCK #24-1
-HUNT ENERGY CORPORATION ET AL				RECEIVED: 03/06/81 JA: OK
8120716	07607	3501920881	103	DAVIDSON #1-6
-JONES & PELLOW OIL CO				RECEIVED: 03/09/81 JA: OK
8120759	07628	3501928016	103	SULLIVAN #27-2
-L & WILLIAMS OIL COMPANY INC				RECEIVED: 03/09/81 JA: OK
8120775	07685	3501721315	103	WRIGHT #33-7
-MACKELLAR INC				RECEIVED: 03/09/81 JA: OK
8120777	07714	3508321359	103	MULS #1
-MARSHALL OIL CORP				RECEIVED: 03/09/81 JA: OK
8120786	07539	3509520190	102	BEARD #1
8120787	07538	3509520209	102	BEARD #2
8120788	07540	3509520201	102	COX #1
8120784	07541	3509520214	102	COX B-1
8120793	07523	3509520233	102	DANIEL #1
8120792	07528	3509520245	102	FLYNT #1
8120788	07537	3509520193	102	GOLDFEDER #1
8120789	07536	3509520229	102	LITTLE #1
8120790	07531	3509520211	102	PERONICA #1
8120791	07529	3509520202	102	SORRELL #1
-MASSEY & MASSEY				RECEIVED: 03/06/81 JA: OK
8120700	07476	3504722138	103	CLARA #1 OTC #047-60193
*8120698	07478	3509321812	103	NOLTING #1 OTC #093-60800
8120699	07479	3504721991	103	SHIRLEY #1
*8120701	07477	3504722008	103	TRAYLOR #1 OTC 047-60254
-MUSTANG PRODUCTION CO.				RECEIVED: 03/06/81 JA: OK
8120697	07481	3501121021	103	KEELEY #2-7
-NORTEK GAS & OIL CO				RECEIVED: 03/06/81 JA: OK
8120702	07657	3500721858	103	HUEBNER A NO 1-18
-NOVA ENERGY CORPORATION				RECEIVED: 03/09/81 JA: OK

FIELD NAME	PROD	PURCHASER
BOONER TREND	46.8	CITIES SERVICE GAS C
EAST MARSHALL	8.0	AMINOIL U S A INC
BOONER TREND	110.0	PANHANDLE EASTERN PI
ERICK SOUTH-BROWN DOLOMI	18.0	EL PASO NATURAL GAS
ELK CITY ATOKA	545.0	EL PASO NATURAL GAS
R REYDON (SWEETWATER)	26.0	
NE ORCHARD CITY FIELD	200.0	
OMEGA WEST	129.0	OKLAHOMA NATURAL GAS
OOBY SPRINGS NE	6.0	TRANSWESTERN PIPELIN
MIDDLEBURG	14.0	MOBIL OIL CORP
	129.0	OKLAHOMA NATURAL GAS
LOGAN SW	9.0	PHILLIPS PETROLEUM C
MORROW-SPRINGER	0.0	MICHIGAN WISCONSIN P
BOONER TREND	125.0	EASON OIL AND GAS
E EAKLY	438.0	MICHIGAN WISCONSIN P
VIOLA	36.0	OKLAHOMA NATURAL GAS
YUKON	200.0	PHILLIPS PETROLEUM C
BOONER TREND	0.0	EASON OIL CO
IDOM SPRINGS	109.5	NATURAL GAS PIPELINE
IDOM SPRINGS	127.5	NATURAL GAS PIPELINE
IDOM SPRINGS	16.4	NATURAL GAS PIPELINE
IDOM SPRINGS	18.3	NATURAL GAS PIPELINE
IDOM SPRINGS	273.8	NATURAL GAS PIPELINE
IDOM SPRINGS	34.7	NATURAL GAS PIPELINE
IDOM SPRINGS	23.0	NATURAL GAS PIPELINE
IDOM SPRINGS	91.3	NATURAL GAS PIPELINE
IDOM SPRINGS	19.3	NATURAL GAS PIPELINE
IDOM SPRINGS	127.8	NATURAL GAS PIPELINE
SOUTH DRUMMOND	100.0	PHILLIPS PETROLEUM C
N W LAROMA	100.0	PANHANDLE EASTERN PI
SOUTH DRUMMOND	100.0	PHILLIPS PETROLEUM C
SOUTH DRUMMOND	100.0	PANHANDLE EASTERN PI
GREENFIELD	300.0	DELHI GAS PIPELINE C
EAST LORENA	211.0	INTERNORTH INC

JD NO	JA DKT	API NO	SEC	D	WELL NAME	
0180779	06168	3505120943	103		WEAVER #1=19	
=P=T II LTD				RECEIVED:	03/09/81	JA: OK
0120773	07636	3807233129	103		GEIS #16=1	
0180772	07635	3807322087	103		SCOTT #35=1	
=P=T LTD #0				RECEIVED:	03/06/81	JA: OK
0120739	07634	3804722186	103		CHESNUT #31=1	
=PACIFIC OIL & GAS CO				RECEIVED:	03/06/81	JA: OK
0180738	07625	3809321907	103		BOEHN #1	
=PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/06/81	JA: OK
0180710	07655	3801721497	103		HUFNAGEL B #1	
0120709	07654	3501721843	103		HUFNAGEL C #1	
0180708	07652	3801721541	103		ZUM HALLEN E #1	
=PIONEER PRODUCTION CORPORATION				RECEIVED:	03/06/81	JA: OK
0180705	06404	3819121045	102		KAY CARTER #1=21	
=RICKS EXPLORATION CO				RECEIVED:	03/06/81	JA: OK
0120736	07464	3818321079	103		MILLER FARMS 328	
=S K YUTHILL & S J BARBEE				RECEIVED:	03/06/81	JA: OK
0180756	07496	3519120998	103		#1=7 HODGSON	
=SCARAB PETROLEUM CORP				RECEIVED:	03/06/81	JA: OK
0120728	07810	3807121461	103		SCARAB 79=[#3	
0120727	07513	3807121928	103		SCARAB 79=4 #1	
0180726	07814	3807121926	103		SCARAB 79=4 #2	
0120729	07508	3807121921	103		SCARAB 79=4 #3	
=SEARCH DRILLING CO				RECEIVED:	03/06/81	JA: OK
0120733	07287	3800721793	103		BARTEL #1=18	
=SENECA OIL COMPANY				RECEIVED:	03/06/81	JA: OK
0120696	06944	3509300000	102		RITTER NO 1=34	
=STONE RIVER ENERGY CORP				RECEIVED:	03/06/81	JA: OK
0120724	07817	3804722154	103		POSPISIL #1	
=SULLIVAN AND CO				RECEIVED:	03/06/81	JA: OK
0180707	07651	3508121040	103		J INGRAM #4	
=SUN OIL COMPANY (DELAWARE)				RECEIVED:	03/06/81	JA: OK
0120738	07224	3505300000	108		HAWLEY WEST UNIT WELL NO 27=1	
0180736	07223	3508300000	108		HAWLEY WEST UNIT WELL NO 32=1	
0180734	07228	3808300000	108		HAWLEY WEST UNIT WELL NO 40=1	
0180746	07843	3804320983	103		WILLIS BARNES NO 1	
=SUNDANCE ENERGY CORP				RECEIVED:	03/09/81	JA: OK
0180778	07719	3804722003	103		HONEY #1=8	
=SUPRON ENERGY CORPORATION				RECEIVED:	03/06/81	JA: OK
0180718	07694	3508350046	108		OSWALD NO 1	
0180704	07708	3807330093	108		RUDD NO 1	
=TAYLOR OIL CO				RECEIVED:	03/06/81	JA: OK
0180740	07647	3810822406	103		TAYLOR NO 1	
=TENNECO OIL COMPANY				RECEIVED:	03/06/81	JA: OK
0120720	07848	3808920226	108		ART HEPNER UNIT 1=19	
0120728	07486	3810120419	108		CHARLES COMLMIA 1=17	
0120737	07487	3804320408	108		ERNEST CRAIG #1=17	
=TEXACO INC				RECEIVED:	03/06/81	JA: OK
0180721	07864	3501721815	103		ANNA HOUSER EST B NO 1	
0180722	07542	3507322389	103		D F FOSTER NO 4	
=TEXACO INC				RECEIVED:	03/09/81	JA: OK
0120764	07843	3807322409	103		SCHROEDER C A NO 2	
=TEXAS OIL & GAS CORP				RECEIVED:	03/06/81	JA: OK

FIELD NAME	PROD	PURCHASER
WATONGA CHICKASHA TREND	0.0	DELHI GAS PIPELINE C
BOONER TREND	65.0	PHILLIPS PETROLEUM C
BOONER TREND	50.0	PHILLIPS PETROLEUM C
BOONER TREND	180.0	WELLHEAD ENTERPRISES
CHEYENNE VALLEY	270.0	PHILLIPS PETROLEUM C
N CONCHO	0.0	PANHANDLE EASTERN PI
N CONCHO	0.0	PANHANDLE EASTERN PI
N CONCHO	0.0	PANHANDLE EASTERN PI
N E FARRY	65.0	PANHANDLE EASTERN PI
N SHARON	18.0	PHILLIPS PETROLEUM C
NORTH EDITH	75.0	NORTHERN NATURAL GAS
	30.0	CORONADO TRANSMISSIO
MOTSON	0.0	CORONADO TRANSMISSIO
NEVA	30.0	CORONADO TRANSMISSIO
NEVA	30.0	CORONADO TRANSMISSIO
W ELMWOOD	33.0	PHILLIPS PETROLEUM C
S E SAGO	304.5	PANHANDLE EASTERN PI
SOONER TREND	110.0	UNION TEXAS PETROLEU
SOUTHWEST PRAIRIE SEM	437.0	SUN OIL CO
HAWLEY	0.1	CITIES SERVICE GAS C
HAWLEY	0.1	CITIES SERVICE GAS C
HAWLEY	0.1	CITIES SERVICE GAS C
OSWEGO	43.0	WESTERN FARMERS ELEC
SOONER TREND	40.0	CHAMPLIN PETROLEUM C
SOONER TREND	11.6	CONOCO INC
SOONER TREND	8.4	CONOCO INC
NOWATA=CLASBETT (MSSP)	45.0	FUEL PRODUCTS INC
LOVEDALE NW	10.0	MICHIGAN WISCONSIN P
MAYNOKA NE	4.0	DELHI GAS PIPELINE C
PUTNAM	1.8	PHILLIPS PETROLEUM C
YUKON NORTH	180.0	DELHI GAS PIPELINE C
LINCOLN SE	18.0	EASON OIL CO
OKARCHE NE	0.0	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120732	07369	3504321070	103		BECKLOFF #1	NO EAGLE CITY	0.0	DELMI GAS PIPELINE C
8120737	07623	3506120344	103		REAGNOR #1	KINTA	183.0	
8120694	06459	3500781728	108		BAH #1	SOUTH ELMWOOD	250.0	
=TEXAS PACIFIC OIL COMPANY INC		RECEIVED: 03/06/81 JA: OK						
8120742	07649	3501520818	103		CECIL SIMMONS #1	N E VENDEN	23.0	MOBIL OIL CORP
8120741	07648	3501520780	103		G M TIPPETT #1	N E VERDEN	19.7	MOBIL OIL CORP
=THE SMK COMPANY		RECEIVED: 03/06/81 JA: OK						
8120713	10407	3500980338	107		BARMAN 1-32	CARPENTER	144.5	
=UNIT OPERATIONS		RECEIVED: 03/09/81 JA: OK						
8120770	07754	3504788140	103		EASTERLY #3-1	N E ENID	73.0	CHAMPLIN PETROLEUM C
=VULCAN ENERGY CORP		RECEIVED: 03/06/81 JA: OK						
8120695	07483	3507322352	103		HAZEL KING #1	BOONER TREND	100.0	CONOCO
=W B OSBORN JR (OPERATOR)		RECEIVED: 03/09/81 JA: OK						
8120768	07718	3507300000	103		PERQUE #1	S W LOYAL	50.0	MUSTANG FUEL CORP
=WALKER & WITHROW INC		RECEIVED: 03/06/81 JA: OK						
8120736	07485	3501781588	103		TAYLOR 18-2	NORTH YUKON	58.0	DELMI GAS PIPELINE C
=WESSELY ENERGY CORPORATION		RECEIVED: 03/09/81 JA: OK						
8120766	07688	3504921351	103		BELL NO 1-11 049-61068	GOLDEN TREND	18.0	WARREN PETROLEUM CO
=WILLIAM M DAVIS		RECEIVED: 03/06/81 JA: OK						
8120744	07560	3508380581	103		BOWERS NO 1	WAKITA TREND	140.0	CITIES SERVICE GAS C
8120745	07563	3508320603	103		RABAINS NO 1	WAKITA TREND	140.0	CITIES SERVICE GAS C
=WILLIAM M DAVIS		RECEIVED: 03/09/81 JA: OK						
8120769	07731	3509320613	103		SCHUERMANN NO 1	WAKITA TREND	140.0	CITIES SERVICE GAS C
=WILLIAM M LAMBOIN		RECEIVED: 03/09/81 JA: OK						
8120783	07629	3504900000	108		MCDANIEL NO 1	EAST ANTIOCH	4.0	WARREN PETROLEUM COR
=WILLIAM MOSS PROPERTIES INC		RECEIVED: 03/09/81 JA: OK						
8120796	05645	3507388339	108		MLADIK 3 NO 1 (RED FORK)	BOONER TREND	328.5	PHILLIPS PETROLEUM C

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TEXAS RAILROAD COMMISSION

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=ADOBE OIL & GAS CORPORATION		RECEIVED: 03/09/81 JA: TX						
8121095	30374	4213332489	108		SNEED #8	MANSUM NORTH (3800)	77.0	UOEGGA NATURAL CORP
=AMERICAN DELTA CORP		RECEIVED: 03/09/81 JA: TX						
8121017	88777	4805130890	102		KOEPPEN #1 (13390)	BIDDING8 (AUSTIN CHALK)	0.0	FERGUSON CROSSING PI
=AMERICAN QUASAR PETROLEUM CO		RECEIVED: 03/09/81 JA: TX						
8121087	89758	4243500000	103		SHURLEY RANCH WELL 2-4	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
=AMINOIL USA INC		RECEIVED: 03/09/81 JA: TX						
8120886	83876	4889732068	102		AMINOIL USA INC ET AL NO 4 - EL PA	CHAPA EAST (18400)=PROPO	700.0	EL PASO NATURAL GAS
=AMOCO PRODUCTION CO		RECEIVED: 03/09/81 JA: TX						
8120998	88410	4234931867	108		DOROTHY CLARK OIL UNIT /B/ #1	CHENEYSBORO/COTTON VALLEY	200.0	LONE STAR GAS CO
8121011	28734	4280330751	108		EMANUEL WASHINGTON GAS UNIT NO 1	BLOCKER /COTTON VALLEY/	856.0	UNITED GAS PIPE LINE
8121126	30446	4213333412	103		GOLDSMITH LANDRETH DEEP UNIT #194	GOLDSMITH (CLEARFORK)	54.8	PHILLIPS PETROLEUM C
8121012	88735	4834931167	108		M P BONNER OIL UNIT/A/NO 1	CHENEYSBORO/COTTON VALLEY	37.0	LONE STAR GAS CO
8120997	28409	4234931212	108		JOHN D CUNNINGHAM NO 4	CHENEYSBORO/COTTON VALLEY	200.0	LONE STAR GAS CO
8121124	30441	4234931159	108		KATHRYN LOPER WELL NO 1	CHENEYSBORO/COTTON VALLEY	100.0	LONE STAR GAS CO
8121083	30336	4819500000	108		MARGARETE BRUNER WELL #1	HANSFORD (MORROW LOWER)	18.0	NORTHERN NATURAL GAS
8120947	87045	4234730469	108		MAX M HART JR #2	APPLEBY N /TRAVIS PEAK/	146.0	
8120948	87046	4204730689	102		MESTENA OIL & GAS CO #7	ALTA MESA NO(4100)	20.0	SO TEX NATURAL GAS G
8120841	10546	4813533837	103		NORTH COWDEN UNIT #1065	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8121125	30445	4244530848	103		PRENTICE NORTHEAST UNIT #145	PRENTICE/6700/	4.0	AMOCO PRODUCTION CO
8121059	89816	4807931842	103		M R BLAKE #11	SLAUGHTER	9.1	AMOCO PRODUCTION CO
8121058	89815	4207931843	103		M R BLAKE #12	SLAUGHTER	1.1	AMOCO PRODUCTION CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
•ANGEL T FULLER					RECEIVED: 03/09/81 JA: TX			
8121052	29660	4246900000	102		SMAJSTRIA-RIKESKA #1	ELOISE SW	40.0	UNITED GAS PIPELINE
•ARCO OIL AND GAS COMPANY					RECEIVED: 03/09/81 JA: TX			
8121045	29549	4229930742	103		CRUISE C DUKE NO 1-U	BRADFORD (CLEVELAN) FIEL	219.0	PHILLIPS PETROLEUM C
8121221	30714	4200332290	103		EMMA COWDEN 385 (GRAYBURG)	EMMA (GRAYBURG)	2.0	EL PASO NATURAL GAS
8120952	26408	4221530993	102		J A BORENSON #1	DONNA (9200)	180.0	TENNESSEE GAS PIPELI
8121244	30795	4223931595	103		J R SCOTT ESTATE 24 WELL #2	SPRABERRY (TREND AREA)	20.0	J L DAVIS
8121240	30791	4223931598	103		J R SCOTT ESTATE 52 WELL #1	SPRABERRY (TREND AREA)	18.0	J L DAVIS
8121242	30793	4223931599	103		J R SCOTT ESTATE 52 WELL #2	SPRABERRY (TREND AREA)	18.0	J L DAVIS
8121243	30794	4223931596	103		J R SCOTT ESTATE 54 WELL #2	SPRABERRY (TREND AREA)	20.0	J L DAVIS
8121247	30798	4223931484	103		J R SCOTT ESTATE 56 WELL #2	SPRABERRY (TREND AREA)	20.0	J L DAVIS
8121246	30797	4223931528	103		J R SCOTT ESTATE 72 WELL #6	SPRABERRY (TREND AREA)	12.0	J L DAVIS
8121245	30796	4223931529	103		J R SCOTT ESTATE 72 WELL #7	SPRABERRY (TREND AREA)	20.0	J L DAVIS
8121248	30799	4223931530	103		J R SCOTT ESTATE 72 WELL #8	SPRABERRY (TREND AREA)	18.0	J L DAVIS
8121241	30792	4223931597	103		J R SCOTT ESTATE 74 WELL #4	SPRABERRY (TREND AREA)	20.0	J L DAVIS
8121220	30713	4223931592	103		W M NOELKE ESTATE WELL NO 1148-1	CAL (CANYON)	18.0	NORTHERN NATURAL GAS
•B D K PRODUCTION CO INC					RECEIVED: 03/09/81 JA: TX			
8120849	20967	4209130502	102		HUGH SCHUMACHER ET AL WELL NO 1	GOODYN	145.0	FERGUSON CROSSING PI
•BAR M PETROLEUM CO INC					RECEIVED: 03/09/81 JA: TX			
8120868	22238	4228300000	102		OOBIE C LEASE #1C	HARRY (1320)	99.0	BAR M PETROLEUM CO I
•BARBOUR ENERGY CORP					RECEIVED: 03/09/81 JA: TX			
8120860	21496	4223300000	103		JARVIS #1	SHIRLEY & TONKAWA CLEVEL	36.0	TRANSWESTERN PIPELIN
•BORDER EXPLORATION CO					RECEIVED: 03/09/81 JA: TX			
8121068	30007	4214330676	103		C W MAULDIN GAS UNIT #2	X-RAY (MARBLE FALLS)	73.0	VALERO ENERGY CORP
•BRIGHT & COMPANY					RECEIVED: 03/09/81 JA: TX			
8120965	27597	4221531049	102		G FLORES JR NO 2-A	SULLIVAN CITY (VICKSBURG	45.0	TENNESSEE GAS PIPELI
8120965	27597	4221531049	103		G FLORES JR NO 2-A	SULLIVAN CITY (VICKSBURG	45.0	TENNESSEE GAS PIPELI
•BTA OIL PRODUCERS					RECEIVED: 03/09/81 JA: TX			
8120924	26098	4247532025	103		HOWE #1 8001	HOWE (ATOKA)	0.0	LONE STAR GAS CO
•CADDO CORP					RECEIVED: 03/09/81 JA: TX			
8121073	30090	4215131131	103		J F OOZIER NO 1	SYLVESTER (STRAWN)	91.0	PALO DURO PIPELINE C
•CAMBRIDGE & NAIL					RECEIVED: 03/09/81 JA: TX			
8120966	27794	4221131203	102		SHELL FEE NO 1-U (86383)	CANADIAN WEST (MORROW UP	500.0	DIAMOND SHAMROCK COR
•CANUS PETROLEUM INC					RECEIVED: 03/09/81 JA: TX			
8120935	26528	4235900000	102		ALEX WEIL JR ET AL GAS UNIT #1	BAXET (10900 FRIO)	368.0	UNITED GAS PIPE LINE
•CARTER ENERGY CORP					RECEIVED: 03/09/81 JA: TX			
8120970	27874	4236731757	103		J W LYNN NO 1	RENO (CONGL)	46.0	TEXAS UTILITIES CO
•CHAMPLIN PETROLEUM COMPANY					RECEIVED: 03/09/81 JA: TX			
8120973	27921	4243130890	103		R L COPE #4	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
8120949	27088	4243130880	103		R L COPE NO 2	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
•CIRCLE SEVEN PRODUCTION CO					RECEIVED: 03/09/81 JA: TX			
8121249	30820	4223700000	103		R W LONG ET AL NO 1 (72298)	MARINA-MAG (CONGLOMERATE	0.0	SOUTHWESTERN GAS PIP
•CITIES SERVICE COMPANY					RECEIVED: 03/09/81 JA: TX			
8121121	30419	4217900000	108		ARCHER B & C - B01	PANHANDLE GRAY	7.7	CITIES SERVICE CO
8121120	30418	4217900000	108		ARCHER B & C - B03	PANHANDLE GRAY	4.2	CITIES SERVICE CO
8121119	30417	4217900000	108		ARCHER B & C - B04	PANHANDLE GRAY	2.3	CITIES SERVICE CO
8121118	30416	4217900000	108		ARCHER B & C - B05	PANHANDLE GRAY	2.2	CITIES SERVICE CO
8121117	30415	4217900000	108		ARCHER B & C - B08	PANHANDLE GRAY	2.4	CITIES SERVICE CO
8121116	30414	4217900000	108		ARCHER B & C - C01	PANHANDLE GRAY	4.5	CITIES SERVICE CO
8121115	30413	4217900000	108		ARCHER B & C - C03	PANHANDLE GRAY	3.2	CITIES SERVICE CO
8121114	30412	4217900000	108		ARCHER B & C - C04	PANHANDLE GRAY	2.7	CITIES SERVICE CO
8121113	30411	4217900000	108		ARCHER B & C - C07	PANHANDLE GRAY	2.3	CITIES SERVICE CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8121112	30410	4206500000	108		BURNETT RANCH E #7	PANHANDLE CARBON	7.9	CITIES SERVICE GAS C
8121111	30409	4217900000	108		CASTLEBERRY A #1	PANHANDLE GRAY	9.4	CITIES SERVICE CO
8121063	29871	4214930686	103		CHERRY A NO 1	GIDDINGS (AUSTIN CHALK)	55.0	FALCON GAS CO
8120912	24902	4270330070	102		HATAGORDA I8 526-L #A-1L (LOWER ZO*	CAVALLO (9200)	0.0	VALLEY PIPE LINES IN
8120913	24903	4270330139	102		HATAGORDA I8 526-L #2	CAVALLO (9100)	0.0	VALLEY PIPE LINES IN
8121106	30394	4217900000	108		SAILOR #11	PANHANDLE GRAY	11.2	CITIES SERVICE CO
8121110	30398	4217900000	108		SAILOR #4	PANHANDLE GRAY	8.8	CITIES SERVICE CO
8121109	30397	4217900000	108		SAILOR #5	PANHANDLE GRAY	7.9	CITIES SERVICE CO
8121108	30396	4217900000	108		SAILOR #6	PANHANDLE GRAY	3.2	CITIES SERVICE CO
8121107	30398	4217900000	108		SAILOR #7	PANHANDLE GRAY	1.4	CITIES SERVICE CO
8121103	30391	4217900000	108		SHIELDS A #12	PANHANDLE GRAY	1.5	CITIES SERVICE CO
8121102	30390	4217900000	108		SHIELDS A #13	PANHANDLE GRAY	8.3	CITIES SERVICE CO
8121105	30393	4217900000	108		SHIELDS A #7	PANHANDLE GRAY	1.0	CITIES SERVICE CO
8121104	30392	4217900000	108		SHIELDS A #8	PANHANDLE GRAY	3.4	CITIES SERVICE CO
8121101	30389	4217900000	108		SHIELDS B #5	PANHANDLE GRAY	1.6	CITIES SERVICE CO
8121100	30388	4217900000	108		SMITH #1	PANHANDLE GRAY	4.1	CITIES SERVICE CO
8121099	30387	4217900000	108		SMITH #2	PANHANDLE GRAY	4.8	CITIES SERVICE CO
8121098	30386	4217900000	108		SMITH #3	PANHANDLE GRAY	2.9	CITIES SERVICE CO
8121097	30385	4217900000	108		SMITH #4	PANHANDLE GRAY	8.9	CITIES SERVICE CO
8121096	30384	4217900000	108		SMITH #6	PANHANDLE GRAY	2.6	CITIES SERVICE CO
*CLAYTON W WILLIAMS JR					RECEIVED: 03/09/81 JA: TX			
8121251	30918	4228700000	102		EMIL MIERTSCHIN #1	GIDDINGS	23.4	PGP GAS PRODUCTS INC
8121250	30917	4214930815	102		FRED KASPER #1	GIDDINGS	1.8	VALERO TRANSMISSION
8120967	28139	4230100000	107		GATAGA GAS UNIT #5-A	VERMEJO (RUSSELMAN)	0.0	
8120978	27888	4236500000	103		GILES UNIT #1	PINEHILL E E (ROBERSA GL	0.0	VALERO TRANSMISSION
8120967	27840	4236500000	103		SMITH ESTATE NO 1	PINEHILL SE (ROBERSA GLO	0.0	VALERO TRANSMISSION
*CLOVER ENERGY CORP					RECEIVED: 03/09/81 JA: TX			
8120922	25889	4240931237	102		BAUTTER NO 1	N W MORGAN (LOWER FRIO)	800.0	TENNESSEE GAS PIPELI
*CONOCO INC.					RECEIVED: 03/09/81 JA: TX			
8121192	30625	4206500000	108		ADA WHITMORE NO 2	WEST PANHANDLE	11.0	CITIES SERVICE GAS C
8121182	30613	4206500000	108		BURNETT NO 109A	WEST PANHANDLE	19.0	CITIES SERVICE GAS C
8121179	30604	4206500000	108		BURNETT NO 11	WEST PANHANDLE	19.0	CITIES SERVICE GAS C
8121180	30605	4206500000	108		BURNETT NO 17A	WEST PANHANDLE	11.0	CITIES SERVICE GAS C
8121181	30606	4206500000	108		BURNETT NO 25A	WEST PANHANDLE	10.0	CITIES SERVICE GAS C
8121182	30610	4206500000	108		BURNETT NO 73A	WEST PANHANDLE	2.0	CITIES SERVICE GAS C
8121183	30611	4206500000	108		BURNETT NO 82	WEST PANHANDLE	20.0	CITIES SERVICE GAS C
8121184	30612	4206500000	108		BURNETT NO 98	WEST PANHANDLE	13.0	CITIES SERVICE GAS C
8121178	30603	4217900000	108		C B BELL NO 1A	WEST PANHANDLE	14.0	CITIES SERVICE GAS C
8121186	30614	4206500000	108		DAUER NO 18	WEST PANHANDLE	6.0	CITIES SERVICE GAS C
8121084	30349	4238900000	108		FORD GERALDINE UNIT #106 (21021)	GERALDINE FORD	0.6	EL PASO NATURAL GAS
8121088	30380	4238900000	108		FORD GERALDINE UNIT #108 (21021)	GERALDINE FORD	1.4	EL PASO NATURAL GAS
8121093	30358	4238900000	108		G E RAMSEY JR-T-#6 (21019)	GERALDINE FORD	8.0	EL PASO NATURAL GAS
8121090	30355	4238900000	108		G E RAMSEY JR-B-#1 (21020)	GERALDINE FORD	10.9	EL PASO NATURAL GAS
8121091	30356	4238900000	108		G E RAMSEY JR-B-#13 (21020)	GERALDINE FORD	8.7	EL PASO NATURAL GAS
8121066	29951	4222732184	103		G O CHALK-C-#23 (02667)	HOWARD GLASSCOCK	3.7	PHILLIPS PETROLEUM C
8121092	30357	4222700000	108		H R CLAY-A-#20 (02691)	HOWARD GLASSCOCK	0.3	PHILLIPS PETROLEUM C
8121067	29963	4206500000	108		H R KEES NO 1	WEST PANHANDLE	17.0	CITIES SERVICE GAS C
8121089	30354	4213500000	108		H B FOSTER-C-#2 (18248)	COWDEN SOUTH	0.2	PHILLIPS PETROLEUM C
8121190	30620	4217900000	108		J E MONGOLE NO 1	WEST PANHANDLE	16.0	CITIES SERVICE GAS C
8121189	30619	4217900000	108		J F MEERS NO 18	WEST PANHANDLE	11.0	CITIES SERVICE GAS C
8121191	30621	4206500000	108		J G NOEL NO 1	WEST PANHANDLE	12.0	CITIES SERVICE GAS C
8121051	29628	4210500000	108		J H SHARRON-A-#17 (71418)	ELKHORN	1.0	APACHE GAS CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
0121187	30617	42065000000	108		JORDON NO 1	WEST PANHANDLE	17.0	CITIES SERVICE GAS C
0120975	28020	42135333418	103		KLOH-A-89 (00818)	COWDEN NORTH (DEEP)	0.4	AMOCO PRODUCTION CO
0121188	30618	42065000000	108		M L LANE NO 2	WEST PANHANDLE	12.0	CITIES SERVICE GAS C
0121088	30353	42135000000	108		MRS L E WIGHT-4-824 (23778)	COWDEN NORTH	6.8	AMOCO PROD CO
0120964	27556	42475000000	108		NED WILSON ET AL (080685)	WIL-JOHN	1.5	CLAJON GAS CO
0121049	29821	42501000000	108		R M KENONICK-868-87 (61076)	WASSON	1.3	SHELL OIL CO
0121050	29822	42501000000	108		R M KENORICK - 868- #1D (61076)	WASSON	2.5	SHELL OIL CO
0121000	28486	42501000000	108		R M KENORICK-868-89 (61076)	WASSON	1.0	SHELL OIL CO
0121056	29733	42105328726	103		TODD CRINOIDAL UNIT #43 (02014)	TODD	10.6	PERMIAN CORP
0120827	17022	42105328116	103		TODD CRINOIDAL UNIT #39 I0#02014	TODD DEEP (CRINOIDAL)	28.1	PERMIAN CORP
0121024	28971	42479328762	102		VAQUILLAS RANCH AB NO 4	PENDING	720.0	E I DUPONT DE NEMOUR
0120993	28309	42003323307	103		W M BONER-A-837 (01663)	FUHRMAN-MASCHO	4.4	PHILLIPS PETROLEUM C
0121086	30351	42135000000	108		WIGHT UNIT #130 (20661)	COWDEN NORTH	8.3	AMOCO PROD CO
0121087	30352	42135000000	108		WIGHT UNIT #138 (20661)	COWDEN NORTH	1.2	AMOCO PROD CO
*BROWN EXPLORATION CO					RECEIVED: 03/09/81 JA: TX			
0120929	26302	42059000000	102		BROWN A NO 3 (08589)	BAIRD EAST (STRAWN SAND)	199.0	LONE STAR GAS CO
*CURRY RESOURCES					RECEIVED: 03/09/81 JA: TX			
0120829	17280	42233300000	103		BOARD 3-68	S W MORSE (BRN DOLO)	100.0	NORTHERN NATURAL GAS
*DALLAS PRODUCTION INC					RECEIVED: 03/09/81 JA: TX			
0121046	29583	42281300B7	102		CRAWFORD NO 1 (66883)	GRANBURY NORTH (STRAWN)	40.0	EMPIRE PIPELINE CORP
0121078	30246	42503336B6	103		LITTLEPAGE NO 1 (19838)	JEAN N (MISS)	8.0	GAS ASSOCIATED SYSTE
0121077	30245	42503339B6	103		LITTLEPAGE NO 2 (19838)	JEAN N (MISS)	8.0	GAS ASSOCIATED SYSTE
*DEETER IMPROVEMENT INC					RECEIVED: 03/09/81 JA: TX			
0120983	28181	42047308B9	102		ZAMORA NO 1	LOMA BLANCA NORTH (6500)	55.0	HOUSTON PIPELINE CO
*DELRAY OIL INC					RECEIVED: 03/09/81 JA: TX			
0121129	30469	42063328213	103		BERTIE E STONE WELL NO 11	COLEMAN COUNTY REGULAR	0.0	LONE STAR GAS CO
0121128	30468	42063328215	103		BERTIE E STONE WELL NO 12	COLEMAN COUNTY REGULAR	0.0	LONE STAR GAS CO
0121018	28848	42063328209	103		BERTIE E STONE WELL NO 19	COLEMAN COUNTY REGULAR	12.0	LONE STAR GAS CO
*DIAMOND SHAMROCK CORPORATION					RECEIVED: 03/09/81 JA: TX			
0120865	21916	42349306B8	103		MARY T MORRISON R NO 3	MORRISON RANCH	480.0	
0120917	28504	42357310B4	103		ODC A NO 2-760	ELLIS RANCH	49.0	NATURAL GAS PIPELINE
0120845	20317	42233000D0	108		STEWART NO 26	PANHANDLE	1.0	NORTHERN NATURAL GAS
*DONALD W JACKSON					RECEIVED: 03/09/81 JA: TX			
0120907	24590	42065000000	108		BIGGS HOLCOMB NO 1 (25767)	PANHANDLE WEST	0.0	GETTY OIL CO
*EDWIN L COX					RECEIVED: 03/09/81 JA: TX			
0120843	19790	42355314J7	102		KELLY RD 2 WELL	CORPUS CHRISTI WEST (BNI	300.0	UNITED GAS PIPE LINE
*EL PASO NATURAL GAS COMPANY					RECEIVED: 03/09/81 JA: TX			
0121065	29946	42433328353	103		HARD #8	SONORA CANYON UPPER	97.0	EL PASO NATURAL GAS
*ENERGY DEVELOPMENT CORPORATION					RECEIVED: 03/09/81 JA: TX			
*0121139	30523	42089730876	102		POWDERHORN RANCH NO 1	POWDERHORN SW (FRIO)	273.8	DOW CHEMICAL CO
*0121138	30522	42089730975	102		POWDERHORN RANCH NO 3	POWDERHORN SW (FRIO 1220	182.5	DOW CHEMICAL CO
*ENERGY RESERVES GROUP INC					RECEIVED: 03/09/81 JA: TX			
0121178	30591	42303316B2	103		RUPERT P RICKER #2	CALVIN (DEAN)	21.2	UNION TEXAS PETROLEU
*ENERTEK OIL & GAS CORP					RECEIVED: 03/09/81 JA: TX			
*0120833	10416	42047307D6	102		W A EHLERS NO 1 04061	EHLERS (NOWACEK)	279.0	CHANNEL INDUSTRIES G
*ERGO INC					RECEIVED: 03/09/81 JA: TX			
0121053	29709	42365000000	107		CARTHAGE UNIT WELL #30	CARTHAGE	365.0	TENNESSEE GAS PIPELI
*ESTATE OF GEORGE H COATES					RECEIVED: 03/09/81 JA: TX			
0121123	30430	42487313B0	102		DANIEL ALVARADO UNIT WELL NO 1	ALVARADO	110.0	VALERO INTERSTATE TR
*EXXON CORPORATION					RECEIVED: 03/09/81 JA: TX			
*0120869	22585	42365309D8	103		A L DAVIS #2 (CPEC 961)	CARTHAGE (COTTON VALLEY)	646.0	ARMCO STEEL CO
0121167	30579	42039306B0	103		B M ALEXANDER #9	RASTINGS WEST	47.6	HOUSTON PIPE LINE

VOLUME 394 PAGE 008

JD NO	JA DKT	API NO	SEC	D	WELL NAME
0120870	22849	4237330455	103		C B BRANBURY #77
0120893	24238	4226130514	102		C M ARMSTRONG 35 (87361)
0121134	30495	4233930422	103		CONROE FIELD UNIT #2069
0121218	30694	4222732230	103		COUTHIT UNIT #527
0121215	30690	4200332334	103		FULLERTON CLEARFORK UNIT #2719
0121214	30689	4200332330	103		FULLERTON CLEARFORK UNIT #619
*0120851	21217	4249930683	103		HAWKINS FIELD UNIT #1135
*0120884	21220	4249930363	103		HAWKINS FIELD UNIT #2367
*0120853	21219	4249930663	103		HAWKINS FIELD UNIT #3294
*0120856	21339	4249930667	103		HAWKINS FIELD UNIT #3615
*0120852	21218	4249930674	103		HAWKINS FIELD UNIT #4078
*0121082	30318	4249930781	103		HAWKINS FIELD UNIT #4210
*0121081	30317	4249930785	103		HAWKINS FIELD UNIT #54
*0120885	21388	4249930609	103		HAWKINS FIELD UNIT #9318
0121168	30580	4203931183	103		J E ALEXANDER #15
*0120859	21366	4236530901	103		J J BEALEY #2
0121133	30493	4203930808	103		J MABON #3
0120836	19083	4218730901	103		LOCKWOOD & SHARP B-62
0121217	30693	4200332349	103		MEANS SAN ANDRES UNIT #6562
0121216	30691	4216531772	103		ROBERTSON CLEARFORK UNIT #580
0121132	30490	4203931219	103		S A GEESLIN #3
0120909	24800	4204730779	102		SANTA FE RANCH 53
0121122	30429	4204730888	102		SANTA FE RANCH 67 (90627)
*0120858	21361	4234730444	103		TRAWICK GAS UNIT 2 #4
*0120857	21345	4234730434	103		TRAWICK GAS UNIT 20 #2AL
-PAB-DAU ENERGY CORP					RECEIVED: 03/09/81 JA: TX
0120951	27229	4237732753	102		NORTHINGTON-EDWARDS B NO 2
-PLAG-REDPERN OIL CO					RECEIVED: 03/09/81 JA: TX
0121202	30653	4247532088	103		STAYTON NO 1 WELL (26149)
-PRED OLSEN INC					RECEIVED: 03/09/81 JA: TX
0120943	26905	4205700000	102		R H PARKER JR ETAL NO 1
0120831	17962	4209700000	102		WM B YOUNG ET AL NO 1-U
-Q- A DAY					RECEIVED: 03/09/81 JA: TX
0121058	29713	4209300000	108		JONES ESTATE (33314)
-Q- DEPRANG OIL CO					RECEIVED: 03/09/81 JA: TX
0120995	28383	4208331678	102		DEPRANG B NO 9 (15126)
-QED-DYNAMICS OIL & GAS					RECEIVED: 03/09/81 JA: TX
0120994	28358	4221500000	103		ROMULO GARZA UNIT #1
0120891	24231	4205130693	102		WALLACE UNIT #1
-QETTY OIL COMPANY					RECEIVED: 03/09/81 JA: TX
0120888	23638	4249700000	108		ELBERT BAILEY NO 3
0120884	23630	4215100000	108		HUDDLESTON B NO 2
0121029	29120	4241300000	108		J F WEBSTER NO 1
0121034	29126	4241300000	108		J F WEBSTER NO 13
0121032	29124	4241300000	108		J F WEBSTER NO 15
0121028	29119	4241300000	108		J F WEBSTER NO 3
0121814	28761	4241300000	108		J F WEBSTER NO 5
0121815	28762	4241300000	108		J M TREADWELL #1
0121033	29128	4241300000	108		J M TREADWELL #2
0121031	29122	4241300000	108		J M TREADWELL #3
0121030	29121	4241300000	108		J M TREADWELL #8
0120910	24827	4223800000	108		J M WINTERBOTHAM NO 6

FIELD NAME	PROD	PURCHASER
LIVINGSTON (WILCOX 1)	36.0	UNITED TEXAS TRANSMI
CANDELARIA (K-05)	103.0	NATURAL GAS PIPELINE
CONROE	29.0	MORAN UTILITIES
HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
FULLERTON	32.0	PHILLIPS PETROLEUM C
FULLERTON	11.0	PHILLIPS PETROLEUM C
HAWKINS	110.0	ARMCO STEEL CO
HAWKINS	7.0	ARMCO STEEL CO
HAWKINS	130.0	ARMCO STEEL CO
HAWKINS	190.0	ARMCO STEEL CO
HAWKINS	70.0	ARMCO STEEL CO
HAWKINS	19.0	ARMCO STEEL CORP
HAWKINS	99.0	ARMCO STEEL CORP
HAWKINS	72.5	ARMCO STEEL CO
HASTINGS WEST	92.0	HOUSTON PIPELINE
CARTHAGE (COTTON VALLEY)	479.0	ARMCO STEEL CO
HASTINGS WEST	29.4	HOUSTON PIPELINE
THOMPSON	59.0	
MEANS	0.9	PHILLIPS PETROLEUM C
ROBERTSON N (CLEARFORK 7	18.0	PHILLIPS PETROLEUM C
HASTINGS WEST	234.7	HOUSTON PIPELINE
SANTA FE (ZONE 2 LOWER)	73.0	NATURAL GAS PIPELINE
SANTA FE (6600)	540.0	NATURAL GAS PIPELINE
TRAWICK (JAMES)	350.0	ARMCO STEEL CO
TRAWICK (TRAVIS PEAK)	600.0	ARMCO STEEL CO
EDWARDS RANCH (CONGL 540	0.0	SOUTHWESTERN GAS PIP
RHODA WALKER (CANYON 590	11.0	UNITED TEXAS TRANSMI
LONG MOTT WEST (E-3)	183.0	UNITED TEXAS TRANSMI
WEST MANDY	135.0	C C C P LTD
PIPE SPRINGS	3.6	LONE STAR GAS CO
OECO (GRAY)	10.0	UNION TEXAS PETROLEU
SAN MANUEL FIELD	36.0	TEXAS EASTERN GAS TR
CALDWELL (AUSTIN CHALK)	164.0	CHAMPLIN PETROLEUM C
TIONELL	1.2	
EDKOTA	0.0	BID RICHARDSON CARBO
CAMAR (STRAWN OIL)	0.5	ARCO OIL & GAS CO
CAMAR (STRAWN OIL)	0.6	ARCO OIL & GAS CO
CAMAR (STRAWN OIL)	0.1	ARCO OIL & GAS CO
CAMAR (STRAWN OIL)	0.8	ARCO OIL & GAS CO
CAMAR (STRAWN OIL)	0.6	ARCO OIL & GAS CO
N CAMAR (CANYON SAND)	0.1	ATLANTIC RICHFIELD C
N CAMAR (CANYON SAND)	0.4	ARCO OIL & GAS CO
N CAMAR (CANYON SAND)	3.3	ARCO OIL & GAS CO
N FORT MCKAVITT (CANYON	5.3	ARCO OIL & GAS CO
OOVE CREEK (CANYON B)	7.0	CRA INC

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120883	23629	4215100000	108		J R WALLING NO 9	RAVEN CREEK	4.8	SID RICHARDSON CARBO
8121016	28764	4235300000	108		LAKE TRAMMEL UNIT NO 29	WEST LAKE TRAMMEL (CANYO	0.1	EL PASO NATURAL GAS
2121010	28733	4235300000	108		LAKE TRAMMEL UNIT NO 39	WEST LAKE TRAMMEL (CANYO	0.1	EL PASO NATURAL GAS
8120911	24829	4235300000	108		NORTH NENA LUCIA UNIT #44	NENA LUCIA (STRAWN REEF)	0.6	WEST LAKE NATURAL GA
2120882	23628	4235300000	108		NORTH NENA LUCIA UNIT NO 100	NENA LUCIA (STRAWN REEF)	1.3	WEST LAKE NATURAL GA
8121013	28760	4235300000	108		NORTH NENA LUCIA UNIT NO 38	NENA LUCIA	0.0	WEST LAKE NATURAL GA
8120881	23626	4235300000	108		NORTH NENA LUCIA UNIT NO 55	NENA LUCIA (STRAWN REEF)	0.5	WEST LAKE NATURAL GA
=GOLDKING PRODUCTION COMPANY					RECEIVED: 03/09/81 JA: TX			
8120864	21786	4208931073	102		LEO DRLIK ET AL NO 2 055644	FRNKA (6390)	140.0	HOUSTON PIPE LINE CO
=GRACE PETROLEUM CORPORATION					RECEIVED: 03/09/81 JA: TX			
8120830	17780	4223732754	103		RUMMAGE A 1	LUCKY RIDGE (SW CONGL 51	180.0	NATURAL GAS PIPELINE
=GULF OIL CORPORATION					RECEIVED: 03/09/81 JA: TX			
8121071	30052	4223330820	103		C L OIAL #273	PANHANDLE HUTCHINSON	4.0	PHILLIPS PETROLEUM C
2121173	30587	4217900000	108		CULLER #1	PANHANDLE GRAY	3.0	GETTY OIL CO
8121079	30250	4247532014	103		HUTCHINGS STOCK ASSN WELL NO 1051	RARO-ESTES NORTH	21.0	CABOT CORP
8121172	30586	4247532151	103		HUTCHINGS STOCK ASSN WELL NO 1109	WAGON WHEEL (PENN)	92.0	CABOT CORP
=GUNN OIL CO					RECEIVED: 03/09/81 JA: TX			
8121060	29848	4226930902	103		GUNN OIL COMPANY - S S BURNETT 0-2	TOM (S CONGL)	360.0	LONE STAR GAS
=H G SLEDGE					RECEIVED: 03/09/81 JA: TX			
8120968	27858	4243100000	103		JANN #1	BIG SALUTE (CANYON)	123.7	VALERO ENERGY CORP
8120969	27862	4243100000	103		JENNIE RAY #1	BIG SALUTE N (CANYON)	0.0	VALERO ENERGY CORP
=H-M OIL CO					RECEIVED: 03/09/81 JA: TX			
8121074	30093	4202931182	103		M MALONE ODRRIS #1	WILDCAT (ABOVE 3200)	70.0	VALERO TRANSMISSION
=HARING CORP					RECEIVED: 03/09/81 JA: TX			
8120988	28182	4223931534	102		SORENSON UNIT (027220)	SENNVIEW NORTH (5300)	90.0	TENNESSEE GAS PIPELI
=HARKEN OIL & GAS INCORP					RECEIVED: 03/09/81 JA: TX			
8120950	27196	4214330428	103		STEWART-CREECH #1 (066871)	SAP OAK (DUPPER)	0.0	NORTHERN GAS PRODUCT
=HARMAN-TUCKER CO					RECEIVED: 03/09/81 JA: TX			
8121198	30646	4245130674	103		BOYER CURRY & SEALS 8	N L G (CANYON LOWER)	1.0	ODESSA NATURAL CORP
=HAROLD D COURSON					RECEIVED: 03/09/81 JA: TX			
8121193	30626	4217900000	108		CARPENTER C#2 (29799)	PANHANDLE EAST	5.5	COLTEXO CORP
8120828	17027	4235700000	108		LANASTER #1	PERRYTON/WEST MORROW	16.0	NORTHERN NATURAL GAS
=HAYPEC OIL & GAS					RECEIVED: 03/09/81 JA: TX			
8121072	30076	4240900000	103		GARLAND HOLLON #1	MATHIS E	72.0	VALERO INTERSTATE TR
=HILL PRODUCTION CO					RECEIVED: 03/09/81 JA: TX			
8121194	30629	4225331536	103		JACK M GARRETT #1 (16374)	NOODLE N W (CANYON SAND	17.0	PALO DURO PIPELINE C
2121195	30630	4225331558	103		L & KLEMCKE #1 (16377)	CULLERS & BAILEY (CANYON	34.0	PALO DURO PIPELINE C
=HILLIARD OIL & GAS INC					RECEIVED: 03/09/81 JA: TX			
8121082	28944	4250131762	102		HICKS #1 (62602)	GRAHANEY (DEVONIAN)	10.0	SHELL OIL CO
8121021	28940	4250131666	102		WEBB #1-X	GRAHANEY (DEVONIAN)	10.0	SHELL OIL CO
2121019	28910	4250131724	102		WEBB A #1	GRAHANEY (DEVONIAN)	10.0	SHELL OIL CO
=HONCHO INTERNATIONAL CORP					RECEIVED: 03/09/81 JA: TX			
8121062	29855	4247931549	103		M K WITHERS NO 1	MAGUELITOS	0.0	HOUSTON PIPE LINE CO
8121061	29854	4247932014	103		WITHERS NO 1	MAGUELITOS	103.0	HOUSTON PIPE LINE CO
=HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 03/09/81 JA: TX			
8120871	22576	4270330209	102		STATE TRACT 326-L SW/4 #10	CAVALLO (9100 SD) FIELD	730.0	VALLEY PIPE LINE OFF
8120850	21082	4270330129	102		STATE TRACT 326-L SW/4 #9	CAVALLO (9200 SD)	0.0	VALLEY PIPE LINE CO
=HUMBLE EXPLORATION CO INC					RECEIVED: 03/09/81 JA: TX			
8120834	18886	4214900000	102		CHICKEN RANCH #1 - 12044	GIDDINGS	196.0	PHILLIPS PETROLEUM
2120834	18886	4214900000	103		CHICKEN RANCH #1 - 12044	GIDDINGS	196.0	PHILLIPS PETROLEUM
8120832	18159	4214930308	102		DIANA #1-12143	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEUM
2120832	12159	4214930308	103		DIANA #1-12143	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEUM

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER	
0120838	19246	4228730312	102		FALLON #1 - 11875	GIDDINGS	262.0	PHILLIPS PETROLEUM	
2120832	19246	4228730312	103		FALLON #1 - 11875	GIDDINGS	262.0	PHILLIPS PETROLEUM	
0120835	12967	4247730316	102		JEAN ADAMS - 12373	GIDDINGS	0.0	PHILLIPS PETROLEUM	
0120835	18967	4247730316	103		JEAN ADAMS - 12373	GIDDINGS	0.0	PHILLIPS PETROLEUM	
2120837	19244	4214930372	102		JEAN GILLARD #1 - 12616	GIDDINGS	0.0	PHILLIPS PETROLEUM	
2120837	19244	4214930372	103		JEAN GILLARD #1 - 12616	GIDDINGS	0.0	PHILLIPS PETROLEUM	
2120844	19917	4228730467	102		EMEILA #1 - 85724	GIDDINGS AUSTIN CHALK GA	0.0	PHILLIPS PETROLEUM	C
2120844	19917	4228730467	103		EMEILA #1 - 85724	GIDDINGS AUSTIN CHALK GA	0.0	PHILLIPS PETROLEUM	C
0120839	19257	4228730492	102		VESTA #1 - 12363	GIDDINGS	0.0	PHILLIPS PETROLEUM	
0120839	19257	4228730492	103		VESTA #1 - 12363	GIDDINGS	0.0	PHILLIPS PETROLEUM	
-HUNT OIL COMPANY					RECEIVED: 03/09/81 JA: TX				
0121147	30352	4221330220	103		FAIRWAY (JAMES LIME) UNIT #446-E	FAIRWAY (JAMES LIME) UNI	175.0	LONE STAR GAS CO	
0121146	30357	4221330226	103		FAIRWAY (JAMES LIME) UNIT #739-E	FAIRWAY (JAMES LIME) UNI	100.0	LONE STAR GAS CO	
-INTREPID OIL & GAS CO					RECEIVED: 03/09/81 JA: TX				
0121131	30483	4205900000	103		FRED DANIEL #1	PUTNAM NE (MIDD)	215.0	LONE STAR GAS CO	
-J. CLEO THOMPSON					RECEIVED: 03/09/81 JA: TX				
0120929	22232	4210533016	102		UNIVERSITY 18-1	UNIVERSITY 31 STRAWN-DEP	0.0	PHILLIPS PETROLEUM	C
0120982	28092	4210532796	102		UNIVERSITY 19-1A	UNIVERSITY 31 STRAWN-DEP	164.0	PHILLIPS PETROLEUM	C
2120979	22095	4210532935	102		UNIVERSITY 22-1	UNIVERSITY 31 STRAWN-DEP	201.0	PHILLIPS PETROLEUM	C
2120985	22175	4210500000	102		UNIVERSITY 25-1	UNIVERSITY 31 STRAWN-DEP	122.0	PHILLIPS PETROLEUM	C
0120978	22094	4210532960	102		UNIVERSITY 26-1	UNIVERSITY 31 STRAWN-DEP	120.0	PHILLIPS PETROLEUM	C
0120990	22233	4210533015	102		UNIVERSITY 27 W-2	UNIVERSITY 31 STRAWN-DEP	137.0	PHILLIPS PETROLEUM	C
2120987	22177	4210532936	102		UNIVERSITY 27-1	UNIVERSITY 31 (STRAWN-DE	438.0	PHILLIPS PETROLEUM	C
2121130	30472	4210532826	107		UNIVERSITY 3-1	DZOMA CANYON	158.0	PHILLIPS PETROLEUM	C
0120926	22176	4210532961	102		UNIVERSITY 34-1	UNIVERSITY 31 - STRAWN-D	368.0	PHILLIPS PETROLEUM	C
2120981	22097	4210532997	102		UNIVERSITY 34E-2	UNIVERSITY 31 STRAWN-DEP	179.0	PHILLIPS PETROLEUM	C
0120980	22096	4210532914	102		UNIVERSITY 35-1	UNIVERSITY 31 STRAWN-DEP	168.0	PHILLIPS PETROLEUM	C
0121023	22962	4210533062	102		UNIVERSITY 36N - 2A	UNIVERSITY 31 - STRAWN D	17.0	PHILLIPS PETROLEUM	C
-J. D PICKETT					RECEIVED: 03/09/81 JA: TX				
0120896	24396	4205932236	103		J W BOOTH NO 1	PUTNAM N E (CONGLOMERATE	108.0	DELHI GAS PIPELINE	C
-J R HAMILTON					RECEIVED: 03/09/81 JA: TX				
0120963	27514	4213100000	102		OLVERA GAS UNIT NO 1	J R FIELD	100.0	VALERO TRANSMISSION	
-JACKSON EXPLORATION INC					RECEIVED: 03/09/81 JA: TX				
0121156	30578	4232930248	103		ERWIN #1	SPRABERRY (TREND AREA)	20.0	PHILLIPS PETROLEUM	C
-JAY-DEE PRODUCING CO					RECEIVED: 03/09/81 JA: TX				
0121047	29586	4206500000	103		BURNETT P-93 #2	PANHANDLE	69.0	PHILLIPS PETROLEUM	C
0121048	29527	4206500000	103		BURNETT P-93 #3	PANHANDLE	69.0	PHILLIPS PETROLEUM	C
-JOHN DEETER					RECEIVED: 03/09/81 JA: TX				
0120842	19527	4235931452	102		KOEMMING NO 2	AGUA DULCE (7000)	0.0	HOUSTON PIPELINE CO	
-JOHN L COX					RECEIVED: 03/09/81 JA: TX				
0121020	22923	4238331711	103		JOHN CARR #1	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS	
-JOHN T PALMER					RECEIVED: 03/09/81 JA: TX				
0121127	30449	4241900000	102		IRION UNIT #1	CENTER WEST (TRAVIS PEAK	250.0	TEXAS EASTERN TRANSM	
-JONES CO					RECEIVED: 03/09/81 JA: TX				
0121004	28589	4205332391	102		MARK 2284 WELL #1 (05202)	MARK (ELLEN)	500.0	DELHI GAS PIPELINE	C
2121005	28592	4241733070	102		WALKER-BUCKLER 78 #2 (05236)	ROCKWELL (CADDO)	700.0	DELHI GAS PIPELINE	C
-KEETH D GRAHAM					RECEIVED: 03/09/81 JA: TX				
#0121140	30524	4205131114	102		FRITSCHE UNIT #1	GIDDINGS (AUSTIN CHALK)	134.5	CHAMPLIN PETROLEUM	C
0121055	29725	4205130823	102		RALPH JUNEK NO 1	GIDDINGS (AUSTIN CHALK)	133.2	FERGUSON CROSSING PI	
-KEN PETROLEUM CORP					RECEIVED: 03/09/81 JA: TX				
0121007	22629	4223931521	103		BOEHM WELL NO 1	SAMADO EAST (FRIO LOWER)	23.0	LONE STAR GAS CO	
-KILLAM & HURD LTD					RECEIVED: 03/09/81 JA: TX				
0120926	26136	4247932532	102		A M BRUNI ESTATE 1571 WELL NO 3	JUANITA (LOBO)	500.0	UNITED TEXAS TRANSMI	

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8120888	24047	4247932323	102		BRUNI MINERAL A WELL NO 2
8120890	24155	4247932410	102		BRUNI MINERAL A WELL NO 3
8120992	28259	4247932516	102		BRUNI MINERAL B WELL NO 5
8120991	28257	4247932556	102		BRUNI MINERAL C WELL NO 2
8120927	26210	4246931553	103		HURPHY TRUST WELL NO 2
-L R SPRADLIN8					RECEIVED: 03/09/81 JA: TX
8121008	28633	4206500000	103		BRYAN NO 1
-LANKFORD OIL CO					RECEIVED: 03/09/81 JA: TX
8121029	29076	4210500000	103		OZONA TOWNSITE NO 2
-LEEDE OIL & GAS INC					RECEIVED: 03/09/81 JA: TX
8120918	25852	4210521791	103		UNIVERSITY 508 #3
-LENIG & BURLESON					RECEIVED: 03/09/81 JA: TX
8121075	30125	4237132532	108		TEXACO #1
8121080	30256	4216531240	108		TRINITY UNIVERSITY #1
-MARIANAS OPERATING CO INC					RECEIVED: 03/09/81 JA: TX
8121196	30633	4208331814	102		HUCKABEE #1 (15421)
-MCCORMICK OPERATING CO					RECEIVED: 03/09/81 JA: TX
8120892	24232	4234931114	102		GALCOM NO 1
-MGF OIL CORP					RECEIVED: 03/09/81 JA: TX
8121044	29389	4238930898	103		STINSON-BURLEY B #1
-MIDWAY OIL CORP					RECEIVED: 03/09/81 JA: TX
8120976	28025	4205130948	102		HARTT NO 1
-MITCHELL ENERGY CORP					RECEIVED: 03/09/81 JA: TX
8121142	30540	4249700000	108		E MOORE GAS UNIT #1 (28746)
8121144	30537	4249700000	108		FERGUSON GAS UNIT #1 (64110)
8120941	26830	4236731910	103		HOWARD SPRAGUE #1
8121142	30534	4249700000	108		ORAN SPEER #5 (50990)
8120940	26828	4236731893	103		PAUL F GALLARD #1
8121143	30536	4249700000	108		R J ALEXANDER #1 (28553)
8121026	29050	4228700000	103		R L PASKE #1
8120977	28067	4236731907	103		R R HOWARD #1
8120914	24983	4236731028	103		VERNELL MASON #1U 81018
-MOBIL PROD TEXAS & NEW MEXICO INC					RECEIVED: 03/09/81 JA: TX
8120930	26317	4224931205	102		E H STOLZE NO 8
*8121043	29380	4237133173	103		EFFIE POTTS SIBLEY B NO 6
8120908	24715	4239131373	102		F B ROOKE & SONS NO N-1
8121137	30519	4246131582	103		TXL T NO 3
8121197	30637	4219500000	108		VIRGINIA HUDSON NO 1
-MOORE MCCORMACK OIL & GAS CORP					RECEIVED: 03/09/81 JA: TX
8120933	26415	4247900000	102		HUBBERD FF #1
-MORAN EXPLORATION INC					RECEIVED: 03/09/81 JA: TX
8121039	29245	4238300000	108		WILDE #1
-MORGAN					RECEIVED: 03/09/81 JA: TX
8120866	22052	4208700000	108		GORDON NO 1 - ID NO 85712
-MMJ PRODUCING COMPANY					RECEIVED: 03/09/81 JA: TX
8120984	28183	4217300000	103		BUTLER #1
8120928	26277	4217331080	103		TXL 39 #3
-NORTH AMERICAN ROYALTIES INC					RECEIVED: 03/09/81 JA: TX
8121174	30588	4239131395	103		A E REILLY #3 (90468)
-NORTHERN NATURAL GAS CO					RECEIVED: 03/09/81 JA: TX
8120939	26691	4221131161	103		LOCKHART #1-86
-NUCORP ENERGY INC					RECEIVED: 03/09/81 JA: TX

FIELD NAME	PROD	PURCHASER
JUANITA (LOBO)	180.0	HOUSTON PIPE LINE CO
JUANITA (LOBO)	360.0	HOUSTON PIPE LINE CO
JUANITA (LOBO)	0.0	HOUSTON PIPELINE CO
JUANITA (LOBO)	0.0	HOUSTON PIPE LINE CO
RICHARD ADCOCK (FRIO 805	250.0	VALERO TRANSMISSION
PANHANDLE - CARSON COUNT	0.0	
OZONA (CANYON)	183.0	INTRATEX GAS CO
FARMER (SAN ANDRES)	10.0	J L DAVIS
ABELL (CLEAR FORK 3200)	7.0	EL PASO NATURAL GAS
MOHANN (YATES)	0.0	PHILLIPS PETROLEUM C
LITTLE LONGHORN (MORRIS)	24.0	ODESSA NATURAL CORP
N STREETMAN	110.0	LONE STAR GAS CO
SPRABERRY (TREND AREA)	13.8	
CALDWELL (AUSTIN CHALK)	240.0	CLAJON GAS CO
BOONSVILLE (BEND CONGL G	19.7	NATURAL GAS PIPELINE
FALLON (TRAVIS PEAK)	9.0	SOUTHWESTERN GAS PIP
RENO (CONGL)	150.0	
ALVORD SOUTH (CADDO LIME	11.0	NATURAL GAS PIPELINE
BOONSVILLE (BEND CONGL G	300.0	
BOONSVILLE (BEND CONGL G	11.0	NATURAL GAS PIPELINE
GIDDINGS (AUSTIN CHALK)	30.0	
BETHESDA SOUTHWEST (STRA	200.0	
LAKE MINERAL WELLS (3100	200.0	NATURAL GAS PIPELINE
LA GLORIA	87.2	NATURAL GAS PIPELINE
COYANOSA N (DELAWARE)	18.4	EL PASO NATURAL GAS
ROOKE RANCH NE	97.1	UNITED GAS PIPE LINE
DAVIS (ELLENBURGER)	3.7	EL PASO NATURAL GAS
HANSFORD NORTH/MORROW	19.6	PANHANDLE EASTERN PI
LIZ (9200) FIELD	3.7	TENNESSEE GAS PIPELI
SPRABERRY (TREND AREA)	7.5	PHILLIPS PETROLEUM C
EAST PANHANDLE	0.0	EL PASO NATURAL GAS
SPRABERRY TREND AREA	97.0	EL PASO NATURAL GAS
SPRABERRY TREND AREA	46.0	TEXACO INC
AUSTWELL (FRIO 9500)	75.0	ENERGY DEVELOPMENT C
FELDMAN (MORROW LOWER)	600.0	INTERNORTH INC

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8180889	24144	42287306340	102		BETTY UNIT #1	GIDDINGS (AUSTIN CHALK)	38.3	CLAJON GAS CO
8180937	86330	48149305060	108		L B KNIGHT #2	GIDDINGS (AUSTIN CHALK)	47.1	PHILLIPS PETROLEUM C
8180887	83915	48887306800	108		T K GANTT A 1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
=DJB INC					RECEIVED: 03/09/81 JA: TX			
8180944	26935	48105000000	108		J W HENDERSON #2 (47766)	OZONA (CANYON SAND) FIEL	13.9	NORTHERN NATURAL GAS
8180945	26936	42105000000	108		J W HENDERSON#3 (46616)	OZONA (CANYON SAND) FIEL	3.8	NORTHERN NATURAL GAS
8180946	86937	48105000000	108		VADA DEAN #1-31 (46419)	OZONA (CANYON SAND) FIEL	10.5	NORTHERN NATURAL GAS
=OLYMPIA OIL CO					RECEIVED: 03/09/81 JA: TX			
8180968	27804	42059000000	102		EISENHOWER ET AL NO 1-R (87716)	PUTNAM S E (DUFFER)	0.0	DELMI GAS PIPELINE C
8180961	87503	42059326860	108		RUTHERFORD NO 1 (15733)	PUTNAM S E (DUFFER)	0.0	DELMI GAS PIPELINE C
=OVERLY OPERATING CO					RECEIVED: 03/09/81 JA: TX			
8181009	86638	48175311376	103		BLUNTZER HEIRS UNIT WELL NO 8	POEHLER (SEG N 5100 GAS)	130.0	UNITED GAS PIPELINE
=OWL PETROLEUM CO					RECEIVED: 03/09/81 JA: TX			
8181035	29149	48089309069	108		KRENEK-LEHRER NO 1 (81191)	LYDIA (3578)	7.0	LONE STAR GAS CO
=PALO PETROLEUM INC					RECEIVED: 03/09/81 JA: TX			
8181838	30779	48173000000	103		CALVERLEY #1	SPRAYBERRY TREND	0.0	EL PASO NATURAL GAS
=PARAFFINE OIL CORP					RECEIVED: 03/09/81 JA: TX			
8181136	30508	48057311024	103		P H WELDER C 1-U	MEYSER SE (8-9)	40.0	FLORIDA GAS TRANSMIS
=PERRYMAN & MURCHISON					RECEIVED: 03/09/81 JA: TX			
8180919	25585	42025311031	102		EDWARD SUGAREK WELL NO 8	YOUGEEN S W FIELD	78.0	UNITED GAS PIPE LINE
8180919	25585	42025311031	103		EDWARD SUGAREK WELL NO 8	YOUGEEN S W FIELD	78.0	UNITED GAS PIPE LINE
=PERRYMAN OPERATING CO INC					RECEIVED: 03/09/81 JA: TX			
8180938	26584	42813000000	102		DAVID L GOFORTH NO 1 (88617)	THOMAS LAKE (COTTON VALL	875.0	TEXAS UTILITIES FUEL
=PHILLIPS PETROLEUM COMPANY					RECEIVED: 03/09/81 JA: TX			
8181200	30649	42195000000	108		ATKINS C #8	MITCHLAND 4640	21.1	MICHIGAN WISCONSIN P
8180847	20823	42195000000	108		CLAWSON B #1	NORTH FARWELL CREEK (UPP	12.6	MICHIGAN WISCONSIN P
8181240	29318	42179000000	108		DAN JOE #3	PANHANDLE GRAY	1.8	
8181211	30678	42135000185	108		GG ANDECTOR 9F-10 (81193)	GOLDSMITH (CLEARFORK)	18.0	EL PASO NATURAL GAS
=8181199	30648	48033000000	108		JOHNSON D #1	PANHANDLE WEST	21.4	EL PASO NATURAL GAS
8181810	30675	42461041&1	108		N PEMBROOK 8 #10-02 (03913)	SPRABERRY (TREND AREA)	1.0	NORTHERN NATURAL GAS
8181219	30706	48195000000	108		PEARSON #5	TEXAS HUGOTON	14.4	PANHANDLE EASTERN PI
8180440	19824	42179000000	108		PHIL-PAMPA UNIT #7-13	PANHANDLE GRAY	0.3	BETTY OIL
8181801	30650	42179000000	108		PHIL-PAMPA UNIT 58-13	PANHANDLE GRAY	0.7	BETTY OIL CO
8181809	30673	42363102&6	108		ZULETTE #13 (03903)	SPRABERRY (TREND AREA)	18.0	NORTHERN NATURAL GAS
=PIERRE PETROLEUM CORP					RECEIVED: 03/09/81 JA: TX			
8181036	89150	42065000000	103		PICKENS #4	PANHANDLE	187.8	TUCO INC
=PIONEER PRODUCTION CORPORATION					RECEIVED: 03/09/81 JA: TX			
8180958	27878	42095306&9	103		GOOCH #8	N MAMMOTH CREEK	300.0	NORTHERN NATURAL GAS
8180953	27879	48095308&4	103		L M DRAPER #8-1041	N MAMMOTH CREEK	100.0	NORTHERN NATURAL GAS
8180959	87490	48295308&3	103		REDELSPERGER #4-958	N MAMMOTH CREEK	400.0	NORTHERN NATURAL GAS
8180960	87500	42095308&0	103		SCHULTZ UNIT #8-958	N MAMMOTH CREEK	400.0	NORTHERN NATURAL GAS
=R M ENGELKE					RECEIVED: 03/09/81 JA: TX			
8181076	30186	48469311417	103		WARREN GALL NO 1	VICTORIA NORTH (3300)	18.3	TENNESSEE GAS PIPELI
=R M SIEGFRIED INC					RECEIVED: 03/09/81 JA: TX			
8180905	24588	42237000000	108		CHERRYHOMES (13706) NO 1	CHERRYKIRK (CONGL)	6.7	NATURAL GAS PIPELINE
8180906	84589	42037000000	108		CHERRYHOMES (13706) NO 3	CHERRYKIRK (CONGL)	9.2	NATURAL GAS PIPELINE
8180904	24887	42237000000	108		CHERRYHOMES (13706) NO 4	CHERRYKIRK (CONGL)	9.8	NATURAL GAS PIPELINE
8180903	84886	48037000000	108		CHERRYHOMES (13706) NO 5	CHERRYKIRK (CONGL)	8.5	NATURAL GAS PIPELINE
8180902	24885	42237000000	108		CHERRYHOMES (13706) NO 6	CHERRYKIRK (CONGL)	15.0	NATURAL GAS PIPELINE
8180916	85122	42237000000	108		CHERRYHOMES (18583) T NO 8	CHERRYKIRK (CONGL)	7.0	CITIES SERVICE GAS C
8180915	85121	42237000000	108		CHERRYHOMES (18583) T NO 7	CHERRYKIRK (CONGL)	7.0	CITIES SERVICE GAS C
8180898	84383	42237000000	108		NEWMONT - A - (13541) NO 1A	WIZARD WELLS (CADDO 4900	0.7	NATURAL GAS PIPELINE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120894	28382	4223700000	108		NEWMONT - A - (13541) NO 2	WIZARD WELLS (CADDO 4900	2.2	NATURAL GAS PIPELINE
-R K & ENGINEERING INC					RECEIVED: 03/09/81 JA: TX			
8121037	29174	4212732060	103		COTULLA	CATARINA SW (OLMOS)	0.0	VALERO TRANSMISSION
-R LACY INC					RECEIVED: 03/09/81 JA: TX			
8121094	30359	4236531094	103		JONES ESTATE WELL #1 (90571)	CARTHAGE SOUTH (TRAVIS P	328.0	ARKANSAS LOUISIANA G
-RAIDER OIL CORP					RECEIVED: 03/09/81 JA: TX			
8121085	28997	4224931281	103		A C TORRANS #3	TSESHELIS (3200)	140.0	VALLEY GAS TRANSMISS
8120942	26862	4224931115	102		RISINGER GAS UNIT NO 1-C	SAN DIEGO EAST (4200)	182.5	TENNESSEE GAS PIPELI
-RALPH L MAY INC					RECEIVED: 03/09/81 JA: TX			
8121236	30770	4236331579	103		UNIVERSITY 98 #7	FARMER (SAN ANDRES)	5.0	NORTHERN NATURAL GAS
8121237	30771	4236331580	103		UNIVERSITY 98 #8	FARMER (SAN ANDRES)	6.3	NORTHERN NATURAL GAS
-RK PETROLEUM CORP					RECEIVED: 03/09/81 JA: TX			
8121206	30657	4236331314	103		LEONARD NO 1 WELL (07750)	CALVIN (OEAN)	14.6	EL PASO NATURAL GAS
8121205	30656	4217330953	103		LEONARD NO 2 WELL (07750)	CALVIN (OEAN)	16.4	EL PASO NATURAL GAS
8121208	30659	4236331315	103		PAN AM NO 1 WELL (07751)	CALVIN (OEAN)	18.2	EL PASO NATURAL GAS
8121207	30658	4236331316	103		PAN AM NO 2 WELL (07751)	CALVIN (OEAN)	27.4	EL PASO NATURAL GAS
8121204	30655	4236331298	103		STANOLIND NO 3 WELL (06971)	CALVIN (OEAN)	12.8	EL PASO NATURAL GAS
8121203	30654	4236331317	103		STANOLIND NO 4 WELL (06971)	CALVIN (OEAN)	7.3	EL PASO NATURAL GAS
-ROBERTS & HAMMACK INC					RECEIVED: 03/09/81 JA: TX			
8121006	28602	4228900000	108		H T BROWN NO 1	REO OAK (SUB-CLARKSVILLE	22.9	LONE STAR GAS CO
-RUTHERFORD OIL CORP					RECEIVED: 03/09/81 JA: TX			
8121235	30760	4246931598	102		AUGUST BAUGLER NO 1	COLETTO CREEK E (2900) F	26.0	HOUSTON PIPE LINE CO
-SANTA FE ENERGY COMPANY					RECEIVED: 03/09/81 JA: TX			
8121135	30500	4219931486	102		WALKER PETTIT KIRBY NO 1	SOUR LAKE E (KIRBY)	730.0	TEXAS GAS CORP
-SAXON OIL COMPANY					RECEIVED: 03/09/81 JA: TX			
8121169	30582	4246131633	103		WINDHAM & NO 1	SPRAGBERRY (TRENO AREA)	17.5	EL PASO NATURAL GAS
-SEAGULL INTERNATIONAL EXPLORATION I					RECEIVED: 03/09/81 JA: TX			
8120980	28802	4236500000	102		CECIL CASSITY GAS UNIT WELL 1-T	PINEHILL & S (TRAVIS PEA	0.0	UNITED GAS PIPELINE
-SENTINEL PETROLEUM CORP					RECEIVED: 03/09/81 JA: TX			
8120931	26379	4213330705	102		AUTRY #1 - 13997	HANGUM WEST (3100)	74.2	DOEGGA NATURAL CORP
-SHELL OIL CO					RECEIVED: 03/09/81 JA: TX			
8121003	28503	4218100000	108		S M C STRAWN I UNIT #428	S M C (STRAWN I)	6.6	UNION TEXAS PETROLEU
8120862	21764	4210130678	103		BIG MINERAL CREEK S SAND UNIT #341	BIG MINERAL CREEK (S SND	37.0	UNION TEXAS PETROLEU
8120861	21717	4246131519	103		COWDEN 29 #1	SPRAGBERRY TRENO AREA	6.0	PHILLIPS PETROLEUM C
8121165	30577	4213500000	108		EAST HARPER UNIT NO 248	HARPER	0.6	PHILLIPS PETROLEUM C
8121164	30576	4213500000	108		EAST HARPER UNIT NO 256	HARPER	0.9	PHILLIPS PETROLEUM C
8121163	30575	4213500000	108		EAST HARPER UNIT NO 303	HARPER	0.4	PHILLIPS PETROLEUM C
8121162	30574	4213500000	108		EAST HARPER UNIT NO 353	HARPER	0.3	PHILLIPS PETROLEUM C
8121161	30573	4213500000	108		EAST HARPER UNIT NO 375	HARPER	0.2	PHILLIPS PETROLEUM C
8121160	30572	4213500000	108		EAST HARPER UNIT NO 403	HARPER	0.2	PHILLIPS PETROLEUM C
8121159	30571	4213500000	108		EAST HARPER UNIT NO 406	HARPER	0.3	PHILLIPS PETROLEUM C
8121157	30569	4213500000	108		EAST HARPER UNIT NO 422	HARPER	0.2	PHILLIPS PETROLEUM C
8121158	30570	4213500000	108		EAST HARPER UNIT NO 423	HARPER	0.2	PHILLIPS PETROLEUM C
8121156	30568	4213500000	108		EAST HARPER UNIT NO 424	HARPER	0.3	PHILLIPS PETROLEUM C
8121155	30567	4213500000	108		EAST HARPER UNIT NO 425	HARPER	0.3	PHILLIPS PETROLEUM C
8121154	30566	4213500000	108		EAST HARPER UNIT NO 427	HARPER	0.3	PHILLIPS PETROLEUM C
8121153	30565	4213500000	108		EAST HARPER UNIT NO 432	HARPER	0.2	PHILLIPS PETROLEUM C
8121152	30564	4213500000	108		EAST HARPER UNIT NO 436	HARPER	0.3	PHILLIPS PETROLEUM C
8121151	30563	4213500000	108		EAST HARPER UNIT NO 437	HARPER	0.3	PHILLIPS PETROLEUM C
8121150	30562	4213500000	108		EAST HARPER UNIT NO 438	HARPER	0.3	PHILLIPS PETROLEUM C
8121149	30561	4213500000	108		EAST HARPER UNIT NO 443	HARPER	0.3	PHILLIPS PETROLEUM C
8120999	28449	4216500000	108		FLANAGAN UNIT #76	FLANAGAN	0.6	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8120863	21765	4210532498	103		MITCHELL 109 #2
8120878	23087	4247531832	103		SEALY SMITH FOUNDATION #165
					RECEIVED: 03/09/81 JA: TX
-SOUTHLAND ROYALTY CO					
8121148	30559	4210300000	103		BRYANT ZO #3
8120848	20530	4249500000	108		J C LOVETT A #3
-SOUTHWESTERN GAS EXPLORATION CORP					RECEIVED: 03/09/81 JA: TX
8120877	23226	4214330453	103		C F KEITH #4
8120846	20376	4209900000	103		A C RDBB 11D #1
8120878	23242	4236331768	103		ELIZABETH HEATH #4
8120876	23218	4223732399	103		FERRELL-RICHARDS #2
8120875	23207	4236731266	103		G D WILEY #1
8120899	24465	4236731663	103		G O WILEY #4
8120897	24403	4223732757	103		LINDSEY RANCH #6
8120873	22860	4222100000	103		M PEVELER #3
-SPENCER B HUTSON					RECEIVED: 03/09/81 JA: TX
8120879	23416	4214900000	103		BROCHSTEIN WELL #1
-STAYGAR PRODUCTION CO					RECEIVED: 03/09/81 JA: TX
8121042	29331	4209330610	103		HAROLD PIERSON -A- #2
-STOWERS OIL & GAS					RECEIVED: 03/09/81 JA: TX
8120880	23467	4217930754	103		VANDERBURG WELL #2 04358
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 03/09/81 JA: TX
8121233	30732	4224731242	103		A C JONES AD 73
8121230	30728	4212731930	103		BIG WELLS UNIT WELL ND 2120
8121229	30727	4212731929	103		BIG WELLS UNIT WELL NO 2124
8121228	30726	4212731943	103		BIG WELLS UNIT WELL NO 2209
8121227	30725	4212731942	103		BIG WELLS UNIT WELL NO 2902
8121232	30730	4212731940	103		BIG WELLS UNIT WELL NO 3108
8121231	30729	4212731939	103		BIG WELLS UNIT WELL NO 3607
8121226	30724	4212731885	103		BIG WELLS UNIT WELL NO 4718
8121228	30723	4212731886	103		BIG WELLS UNIT WELL NO 4719
8121222	30720	4212731887	103		BIG WELLS UNIT WELL NO 5202
8121223	30721	4212731888	103		BIG WELLS UNIT WELL NO 5449
8121224	30722	4212731889	103		BIG WELLS UNIT WELL NO 5452
8121234	30736	4213533151	103		E GOLDSMITH HOLT UT NO 24-13L
8121177	30699	4243330839	103		I B MCMILLIN A/C 2 #8
8120878	22703	4240931466	103		M V COFFEY NO 11-L
-T B ANDERSON					RECEIVED: 03/09/81 JA: TX
8120934	26022	4220100000	103		L M JOSEY AD C-1
-TENNECO OIL COMPANY					RECEIVED: 03/09/81 JA: TX
8120923	26056	4242731404	102		T B BLOCK ESTATE NO 72
-TEXACO INC.					RECEIVED: 03/09/81 JA: TX
8120971	27875	4250503032	108		J O JENNINGS #277
8120974	27949	4250503017	108		J D JENNINGS #300
8121212	30680	4221932927	103		MONTGOMERY EST DAVIES NCT-2 #65
8121213	30687	4221932930	103		MONTGOMERY EST DAVIES NCT-2 #68
8121170	30584	4247532161	103		STATE OF TEXAS OF #4
8121038	29215	4243130896	103		STERLING N FEE #1
-TEXAS INTERNATIONAL PET CORP					RECEIVED: 03/09/81 JA: TX
8121239	30789	4213100000	108		FITZSIMMONS #13
-TEXAS OIL & GAS CORP					RECEIVED: 03/09/81 JA: TX
8121176	30595	4223931382	102		HOLINA B U #1
8120996	28394	4220100000	103		STEWART B #3

FIELD NAME	PROD	PURCHASER
BROWN BASSETT (ELLENBURG	292.0	EL PASO NATURAL GAS
MONAHANS (CLEAR FORK)	83.0	EL PASO NATURAL GAS
CRAHAR	80.0	EL PASO NATURAL GAS
KERMIT	8.0	CABOT CORP
MORGAN MILL (MARBLE FALL	16.6	ENERGY PIPELINE
CALLAHAN CO REGULAR (OIL	35.0	
PALO PINTO CO REGULAR (G	272.6	SOUTHWESTERN GAS PIP
JACKSBORO SE (5270)	184.0	SOUTHWESTERN GAS PIP
G O WILEY #1	0.0	SOUTHWESTERN GAS PIP
CARTER CREEK (BEND CONGL	113.3	
JACK COUNTY REGULAR (OIL	7.3	SOUTHWESTERN GAS PIP
MCINTOSH (BIG SALINE)	87.3	SOUTHWESTERN GAS PIP
BIODINGS (AUSTIN CHALK)	13.1	
ZOURETTE (MARBLE FALLS)	69.0	ENERGY PIPELINE COMP
WEST PANHANDLE	292.0	NORTHERN NATURAL GAS
JONES	272.0	
BIG WELLS	19.0	HOUSTON PIPE LINE CO
BIG WELLS	28.0	HOUSTON PIPE LINE CO
BIG WELLS	32.0	HOUSTON PIPE LINE CO
BIG WELLS	27.0	HOUSTON PIPE LINE CO
BIG WELLS	13.0	HOUSTON PIPE LINE CO
BIG WELLS	31.0	HOUSTON PIPE LINE CO
BIG WELLS	33.0	HOUSTON PIPE LINE CO
BIG WELLS	9.0	HOUSTON PIPE LINE CO
BIG WELLS	62.0	HOUSTON PIPE LINE CO
BIG WELLS	30.0	HOUSTON PIPE LINE CO
BIG WELLS	29.0	HOUSTON PIPE LINE CO
GOLDSMITH E (HOLT)	3.6	PHILLIPS PETROLEUM C
FRANKIRK (ELLENBURGER)	0.2	CITIES SERVICE CO
GEYSER (5200)	438.0	TENNESSEE GAS PIPELI
JOSEY RANCH (MOODYS BRAN	219.0	HOUSTON PIPELINE CO
HINDE	250.0	TENNESSEE GAS PIPELI
JENNINGS W	0.6	TENNESSEE GAS PIPELI
JENNINGS W	1.7	TENNESSEE GAS PIPELI
LEVELLAND	16.8	AMOCO PRODUCTION CO
LEVELLAND	31.0	AMOCO PRODUCTION CO
CAPRITO (DELWARE MIDDLE)	47.0	PIONEER NATURAL GAS
CONGER (PENN)	111.0	
THOMAS LOCKHART	3.3	VALERO TRANSMISSION
ANITA 6400	0.0	UNITED GAS PIPELINE
SANTA ROSA (10700)	0.0	TEXAS EASTERN TRANSM

JD NO	YA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
=TEXOMA PRODUCTION CO				RECEIVED: 03/09/21 JAS TX			
8120936	26529	4232130964	102	FLORENCE TRULL #2	SIMPSONVILLE (9000)	182.0	NATURAL GAS PIPELINE
=THOMAS O COFFMAN INC				RECEIVED: 03/09/21 JAS TX			
8120956	027353	4214930578	102	BROWNING NO 1 (081686)	GIDDINGS (AUSTIN CHALK)	41.9	SOUTH CEN-TEX GAS CO
8120958	027348	4214930600	102	BRUMMER A NO 2 (083461)	GIDDINGS (AUSTIN CHALK)	419.0	SOUTH CEN-TEX GAS CO
8120954	27340	4214930670	102	MAJOVSKY NO 1 (087210)	GIDDINGS (AUSTIN CHALK)	5.5	CLAJON GAS CO
8120900	24466	4205130516	102	LIGA A NO 2 064202	GIDDINGS (AUSTIN CHALK)	4.0	FERGUSON CROSSING PI
8120901	24468	4205130688	102	LIGA 2 NO 6	GIDDINGS (AUSTIN CHALK)	12.0	FERGUSON CROSSING PI
8120892	24463	4205130508	102	LIZA UNIT NO 1 064539	GIDDINGS (AUSTIN CHALK)	5.8	FERGUSON CROSSING PI
8120925	26120	4205130722	102	MADDOX UNIT NO 1 078940	GIDDINGS (AUSTIN CHALK)	91.0	FERGUSON CROSSING PI
8120957	027357	4205130727	102	ROBERTSON UNIT NO 1 (082473)	GIDDINGS (AUSTIN CHALK)	84.3	FERGUSON CROSSING PI
8120952	027358	4205130782	102	SLOVACEK NO 1 (082263)	GIDDINGS (AUSTIN CHALK)	18.3	FERGUSON CROSSING PI
=THREE-B OIL CO				RECEIVED: 03/09/21 JAS TX			
8121070	30050	4237133186	103	PAYTON POOL YATES SAND #17-6 (04679	PAYTON (YATES) FIELD	64.0	EL PASO NATURAL GAS
=TIERRA EXPLORATION INC				RECEIVED: 03/09/81 JAS TX			
8121069	30041	4208300000	103	O W GOULD NO 2	COLEMAN COUNTY REGULAR	8.0	LONE STAR GAS CO
=TREE PETROLEUM INC				RECEIVED: 03/09/81 JAS TX			
8121141	30526	4210300000	102	YARBROUGH & ALLEN #40	ARMER (GLORIETA)	2.1	WARREN PETROLEUM CO
=UNION EXPLORATION				RECEIVED: 03/09/81 JAS TX			
8121001	22498	4205932616	102	BROOKS #1 (15546)	BOWNE (CADDO)	50.0	LONE STAR GAS CO
8121002	22499	4205932103	102	ROGERS A #A-1 (15515)	BOWNE (CADDO)	51.0	LONE STAR GAS CO
=W WALDO LYNCH				RECEIVED: 03/09/21 JAS TX			
8120921	25209	4250731524	102	LAMANTIA NO 6	LAMANTIA (SAN MIGUEL)	180.0	VALERO TRANSMISSION
=WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 03/09/21 JAS TX			
8121171	30582	4210332230	103	N N WADDELL TR 3 WELL NO 1120	UNIVERSITY WADDELL (DEVO	41.0	EL PASO NATURAL GAS
=WILLIAM PERLMAN				RECEIVED: 03/09/21 JAS TX			
8120226	13998	4210300000	103	FIELDS 50-2	SAWYER (CANYON)	0.0	EL PASO NATURAL GAS
8120801	00677	4243500000	103	FIELDS 51 NO 3	SAWYER (CANYON)	0.0	EL PASO NATURAL GAS
8120212	00703	4243532042	103	FIELDS 51-4 80426	SAWYER (CANYON)	79.0	EL PASO NATURAL GAS
8120815	00702	4210531910	102	GENERAL CRUDE ET AL 8 NO 1A 83229	WILDCAT OZONA (CANYON)	20.0	EL PASO NATURAL GAS
8120814	00707	4210532049	102	GENERAL CRUDE 2-2 83228	OZONA (CANYON)	45.0	EL PASO NATURAL GAS
8120204	00629	4243500000	103	HUDSPETH MEM HOSP A-1	WHITEHEAD (STRAWN)	0.0	EL PASO GAS TRANSPOR
8120207	00693	4243500000	102	IOA CAUTHORN 135-1	SHURELY RANCH (CANYON)	370.0	EL PASO NATURAL GAS
8120825	13967	4210532228	103	L H HUDSPETH MEM HOSP F NO 1-83759	SAWYER (CANYON)	20.0	EL PASO NATURAL GAS
8120205	00690	4243500000	103	LILLO H HUDSPETH MEM HOSP A #2	WHITEHEAD (STRAWN)	0.0	EL PASO NATURAL GAS
8120806	00692	4243500000	103	LILLO H HUDSPETH MEM HOSP B #1	WHITEHEAD (STRAWN)	0.0	EL PASO NATURAL GAS
8120797	00673	4243500000	102	MACK CAUTHORN 112-1	SHURELY RANCH (CANYON)	100.0	EL PASO NATURAL GAS
8120798	00674	4243500000	102	MACK CAUTHORN 112-2	SHURELY RANCH (CANYON)	275.0	EL PASO NATURAL GAS
8120799	00675	4243531451	102	MACK CAUTHORN 129-1 75926	SHURELY RANCH (CANYON)	200.0	EL PASO NATURAL GAS
8120200	00676	4243532066	102	MACK CAUTHORN 129-2 76822	SHURELY RANCH (CANYON)	400.0	EL PASO NATURAL GAS
8120811	00697	4243532095	102	MACK CAUTHORN 129-3 79541	SHURELY RANCH (CANYON)	475.0	EL PASO NATURAL GAS
8120810	00696	4243532099	102	MACK CAUTHORN 129-4 (79540)	SHURELY RANCH (CANYON)	125.0	EL PASO NATURAL GAS
8120813	00704	4243500000	102	MACK CAUTHORN 130 NO 2	SHURLEY RANCH (CANYON)	42.0	EL PASO NATURAL GAS
8120213	00704	4243500000	103	MACK CAUTHORN 130 NO 2	SHURLEY RANCH (CANYON)	45.0	EL PASO NATURAL GAS
8120809	00695	4243531931	102	MACK CAUTHORN 130-1 76214	SHURELY RANCH (CANYON)	45.0	EL PASO NATURAL GAS
8120808	00694	4243532065	102	MACK CAUTHORN 130-2 76783	SHURLEY (CANYON)	150.0	EL PASO NATURAL GAS
8120803	00628	4243532071	103	STELLA KEENE 77-1 82667	SAWYER (CANYON)	45.0	EL PASO NATURAL GAS
8120202	00686	4243500000	103	W E SAWYER 190 NO 2	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
=WILLIAMS PETROLEUM CO				RECEIVED: 03/09/81 JAS TX			
8121064	29931	4236300000	103	NO 1 DOUG DUKE (82913)	PK OAM (CONGLOMERATE A)	300.0	TEXAS UTILITIES FUEL
=WINGDOR GAS CORP				RECEIVED: 03/09/81 JAS TX			
8120219	08127	4243500000	102	DUKE WILSON 173-1	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS

VOLUME 394 PAGE 016

JD NO	JA OKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8120818	08186	4243500000	108		DUKE WILSON 174-1	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
8120822	08518	4243500000	108		DUKE WILSON 184-4	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
8120817	08185	4243500000	108		DUKE WILSON 186-2	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
8120823	08519	4243500000	108		DUKE WILSON 187-3	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
8120824	08520	4243500000	108		DUKE WILSON 188-2	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
8120820	08189	4243500000	108		DUKE WILSON 21 1/2-3	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
8120816	08178	4243500000	108		DUKE WILSON 21-5	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
8120821	08190	4243500000	108		DUKE WILSON 40-2	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
-HOOD MCGHANE & THAMS					RECEIVED: 03/09/81 JA: TX			
8121041	29324	4200332146	103		B T HALL A 93	BLOCK A-34 (YATES)	4.2	EL PASO NATURAL GAS

OTHER PURCHASERS VOLUME NO 394

8120698	UNION TEXAS PETROLEUM
8120701	EXXON CO U S A
8120706	CHASE GATHERING SYSTEMS INC
8120714	CHASE GATHERING SYSTEMS INC
8120715	CHASE GATHERING SYSTEMS INC
8120717	CHASE GATHERING SYSTEMS INC
8120718	CHASE GATHERING SYSTEMS INC
8120833	CHANNEL INDUSTRIES GAS CO
8120851	E I DUPONT DE NEMOURS & CO INC
8120852	E I DUPONT DE NEMOURS & CO INC
8120853	E I DUPONT DE NEMOURS & CO INC
8120854	E I DUPONT DE NEMOURS & CO INC
8120855	E I DUPONT DE NEMOURS & CO INC
8120856	E I DUPONT DE NEMOURS & CO INC
8120857	E I DUPONT DE NEMOURS & CO INC
8120858	E I DUPONT DE NEMOURS & CO INC
8120859	E I DUPONT DE NEMOURS & CO INC
8120869	E I DUPONT DENEMOURS & CO INC
8121043	DELHI GAS PL CORP
8121081	E I DUPONT DE NEMOURS & CO INC
8121082	E I DUPONT DE NEMOURS & CO INC
8121138	PUBLIC SERVICE ELECTRIC & GAS CO
8121139	PUBLIC SERVICE ELECTRIC & GAS CO
8121140	FERGUSON CROSSING P L CO
8121199	PANHANDLE EASTERN PL CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9672 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4233]

Enagenics; Application for Preliminary Permit

March 27, 1981.

Take notice that Enagenics (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4233 to be known as the Maxwell Lock and Dam Project located on the Monongahela River in Fayette County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Maxwell Lock and Dam and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 12.0 MW; and (2) appurtenant facilities. The Applicant estimates that the average annual energy output would be 46.9 GWH.

Purpose of Project—Project energy would be sold to the West Penn Power Company or to nearby public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminiary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Atlantic Power Development Corporation's Maxwell Project No. 3517 filed on October 1, 1980, under 18 CFR (1980), and, therefore no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 29, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all 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. 4233. 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. 81-9697 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4235-000]

Enagenics; Application for Preliminary Permit

March 27, 1981.

Take notice that Enagenics (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4235 to be known as the Monongahela River Lock & Dam No. 3 Project located on the Monongahela River in Allegheny County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clark, Jr., President, Enagenics, 1727 Q Street NW.,

Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Monongahela River Lock and Dam No. 3 and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 6 MW; and (2) appurtenant facilities. The Applicant estimates that the average annual energy output would be 26.2 GWH.

Purpose of Project—Project energy would be sold to the West Penn Power Company or to nearby public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminiary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Mononghela River Lock and Dam 3. Project No. 3753 filed on November 18, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before, April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4235. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9608 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP75-79-007]

Florida Gas Transmission Co.; Tariff Filing

March 26, 1981.

Public notice is hereby given that on March 17, 1981, Florida Gas Transmission Company (FGT) tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1 to be effective March 1, 1981. The revised tariff sheet is Third Revised Sheet No. 22-L.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a futher petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9678 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4184-000]

Hydro Development, Inc.; Application for Preliminary Permit

March 27, 1981.

Take notice that Hydro Development, Inc. (Applicant) filed on February 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4184 to be known as Roaring River Project located on the Roaring River in Clackamas County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to:

Howard L. Stone, Hydro Development, Inc., Suite 711, Kirkeby Center, 10889 Wilshire Boulevard, Los Angeles, California 90024. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a concrete diversion structure; (2) an 18,000-foot long and 6-foot wide canal; (3) a concrete pressure box; (4) a 48-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 5,000 kW; and (6) a tailrace. The Applicant estimates that the average annual energy output would be 30 million kWh.

Applicant proposes to study an alternative proposed project which would consist of: (1) a concrete diversion structure; (2) an 8,000-foot long and 6-foot wide canal; (3) a 48-inch steel penstock; (4) a powerhouse containing one generating unit rated at 3,000 kW; and (5) a tailrace. The Applicant estimates that the average annual energy output would be 15 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Portland General Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would conduct engineering and geotechnical studies, consult with agencies, conduct environmental studies, do a comparison analysis, 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 $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A peremit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4184. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9701 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-31-000]

Indianapolis Power & Light Co.; Application

March 26, 1981.

Notice is hereby given that on March 17, 1981, Indianapolis Power & Light Company (Applicant) filed an application with the Commission seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance, from time to time, of up to $100,000,000 principal amount of unsecured short-term promissory notes and other short-term obligations with a final maturity date of not later than June 30, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9677 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-33-000]

Interstate Power Co.; Application

March 26, 1981.

Take notice that on March 18, 1981, an application was filed with the Federal Energy Regulatory Commission pursuant to section 204(a) of the Federal Power Act by Interstate Power Company (Applicant), seeking an order authorizing the issuance and sale of 200,000 shares of additional Common Stock, with a par value of $3.50 per share, pursuant to its Employee Stock Ownership Plan ("ESOP").

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 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. 81-9675 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4152-000]

Kern County Water Agency; Application for Preliminary Permit

March 27, 1981.

Take notice that Kern County Water Agency (Applicant) filed on February 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4125 to be known as Onyx Project located on Kern River in Kern 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 E. McCarthy, President, Kern County Water Agency, P.O. Box 58, Bakersfield, California 93302. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 40-foot high diversion dam, impounding a small reservoir; (2) a 17,000-foot long low pressure pipeline; (3) surging facilities; (4) a penstock; (5) a powerhouse containing one generating unit rated at 3,500 kW; and (6) a 3000-foot long transmission line. The Applicant estimates that the average annual energy output would be 10 million kWh.

Purpose of Project—The energy output of the project would be sold to the Southern California Edison Company or to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would perform hydrological, geotechnical, field, and other preliminary studies, conduct environmental studies, prepare a feasibility analysis, consult with agencies, and prepare an FERC license application. Field studies to be performed for the new dam include topographical surveys, geologic surface investigations, and test borings. No new roads would be required to conduct the studies. The cost of the studies to be performed under the preliminary permit is estimated to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertake the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Fluid Energy Systems' Project No. 3592 filed on October 20, 1980, under 18 CFR (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 2, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must confrom with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4125. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9702 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4122-000 and 4129-000]

Kern County Water Agency, Olcese Water District; Applications for Preliminary Permit

March 26, 1981.

Take notice that Kern County Water Agency (Kern) and Olcese Water District (Olcese) filed on February 5, 1981, and February 6, 1981, respectively, applications for preliminary permit [pursuant to the Federal Power Act, 16

U.S.C. 791(a)–825(r)] for proposed Projects Nos. 4122 and 4129 to be known as Rio Bravo Project located on the Kern River in Kern County, California. The applications are on file with the Commission and are available for public inspection. Correspondence with Kern should be directed to: Robert E. McCarthy, Kern County Water Agency, P.O. Box 58, Bakersfield, California 93302. Correspondence with Olcese should be directed to: Owen Goodman, 1518 18th Street, Room 307, Bakersfield, California 93301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—Proposed Project No. 4122 would consist of: (1) a concrete diversion dam; (2) a 9,000-foot long pipeline; (3) a surge tank; (4) a powerhouse containing a generating unit rated at 12,000 kW; and (5) a 4,000-foot long transmission line. Applicant estimates that the average annual energy output would be 40 million kWh.

Proposed Project No. 4129 would consist of: (1) an 8-foot high concrete diversion dam; (2) an intake structure; (3) an 8,500-foot long canal; (4) a small forebay; (5) two 500-foot long penstocks; (6) a powerhouse containing two generating units each rated at 3,560 kW; (7) a tailrace; and (8) a 2,400-foot long transmission line. Applicant estimates that the average annual energy output would be 31.37 million kWh.

Purpose of Project—The energy generated by each project would be sold to either the Pacific Gas and Electric Company or the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—Kern seeks issuance of a preliminary permit for a period of 36 months and Olcese seeks issuance of a preliminary permit for a period of 18 months, during which time each Applicant would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. Kern proposes no ground disturbing studies for the new dam. Olcese proposes to do test borings at the dam, canal, afterwards. Kern estimates its cost of studies to be $100,000 and Olcese estimates its cost of studies to be $765,000. No new roads would be required to conduct the studies.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Fluid Energy Systems, Inc.'s Project No. 3515, filed on September 29, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to 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 filed a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 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 Projects Nos. 4122 and 4129. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any petitions 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. 81-9688 Filed 3-30-81; 8:45 am]

[BILLING CODE 6450-85-M]

[Project No. 4247-000]

Long Lake Energy Corp.; Application for Preliminary Permit

March 27, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4247 to be known as the Newport Hydroelectric Power Project located on the West Canada Creek in Herkimer County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposal project would consist of: (1) the existing Newport Dam, an 8-foot high concrete gravity dam having a crest length of 250 feet; (2) the existing reservoir having a storage capacity of 66 acre-feet at a mean elevation of 650.0 feet (U.S.G.S. datum); (3) the existing control gates; (4) the existing rectangular raceway, 24 feet wide and 180 feet long, leading to; (5) an existing powerhouse, with new turbines and generators, having an installed generating capacity of 1400 kW; (6) the existing transmission lines and switchyard equipment; and (7) appurtenant facilities. The existing powerhouse site is owned by the Village of Newport. The Newport Dam is owned by the Mohawk Data Sciences Corporation. The Applicant estimates that the average annual energy output would be 6,700,000 kWh.

Purpose of Project—Project energy would be sold to the Niagara Mohawk Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time the 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, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4247. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9703 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4205]

Lost Hills Water District, California; Application for Preliminary Permit

March 26, 1981.

Take notice that Lost Hills Water District, California (Applicant) filed on February 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4205 to be known as Lost Hills One Powerplant located on the California Aqueduct in Kern 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. Joe Steele, Engineer-Manager, Lost Hills Water District, 2100 24th Street, Suite 2, Bakersfield, California. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: 1) an existing 72-inch diameter concrete pipeline 10,190 feet long, conveying irrigation water from a California Aqueduct turn out into the Districts' canal distribution system; 2) a proposed powerhouse to be constructed adjacent to the pipeline near its outlet containing one generating unit rated at 450 kW; and 3) approximately one-half mile of transmission line to connect to the existing utility transmission. The Applicant estimates that the average annual energy output would be 1.36 million kWh.

Purpose of Project—The energy output of the project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, do preliminary designs, prepare a feasibility report, conduct environmental studies, negotiate arrangements for transmission and sale of energy, and prepare an FERC license application.

The estimated cost of the work to be preformed under the preliminary permit is $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that recieve this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 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 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4205. 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. 81-9689 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-47-000]

MIGC, Inc. (Formerly)—McCulloch Interstate Gas Corp.; Purchased Gas Adjustment Clause

March 26, 1981.

Take notice that on March 17, 1981, MIGC, Inc., tendered for filing copies of Twenty-Second Revised Sheet No. 32 to its FERC Gas Tariff Original Volume No. 1, as required under the Commission's Rules and Regulations under the Natural Gas Act.

MIGC, Inc.'s Twenty-Second Revised Sheet No. 32 provides for a Purchased Gas Adjustment rate of (15.79¢) per MMBtu effective May 1, 1981. MIGC, Inc.'s filing is made in order to: (1) recover the balance in MIGC, Inc.'s Unrecovered Purchased Gas Cost Account as of January 31, 1980 and January 31, 1981; (2) to provide for a current Gas Cost Adjustment in order to permit MIGC, Inc. to reflect the higher cost of gas purchases; and (3) to recover a carrying surcharge as permitted under FERC Order No. 47 (Table VI), as set forth in MIGC, Inc.'s First Revised Sheet No. 31a to its FERC Gas Tariff Original Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 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. 81-9676 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-35-001]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 26, 1981.

Take notice that on March 19, 1981, Michigan Wisconsin Pipe Line Company refiled proposed changes to its F.E.R.C. Gas Tariff, Original Volume No. 1.

Michigan Wisconsin asserts that this filing is being submitted for the sole purpose of revising the interest rate under Section 6.3 *Interest on Unpaid Amounts* and Section 6.6 *Errors in Billing* of the General Terms and Conditions to conform to the refund methodology set forth in the Commission's Order No. 47 at Docket No. RM77-22.

Michigan Wisconsin requests that the tariff sheets be made effective May 1, 1981.

Michigan Wisconsin further asserts that copies were served upon its customers and interested 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 the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before April 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9673 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4270-000]

Mountain Rhythm Resources; Application for Preliminary Permit

March 26, 1981.

Take notice that Mountain Rhythm Resources (Applicant) filed on February 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4270 to be known as Boulder Creek Water Power Project located on Boulder Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to: Mr. William L. Devine, 8040 Mt. Baker Highway, P.O. Box 68, Maple Falls, Washington 98266. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 3-foot high, 100-foot long prefabricated concrete gravity dam; (2) a 24-inch diameter, 6,800-foot long penstock; (3) a concrete powerhouse containing generating units with a total rated capacity of 1,500 kW; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 9.32 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month preliminary permit to prepare a project report, including preliminary designs, and results of a geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) test borings would be done in areas which are clear of vegetation, boring holes would be backfilled, and the ground surface reconditioned to the extent possible.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $105,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4270. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9680 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

Project Nos. 4067-000 and 4239-000]

Municipal Electric Power Association of Virginia and City of Philippi, West Virginia; Applications for Preliminary Permit

March 26, 1981.

Take notice that Municipal Electric Power Association of Virginia (MEA) and City of Philippi, West Virginia (CPW) (Applicants) filed on January 28, 1981 and February 23, 1981, respectively, competing applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Projects Nos. 4067 (MEA) and 4239 (CPW) to be known as the Tygart Hydro Project located on the Tygart River in Taylor County, West Virginia. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: R. Michael Amyx, Executive Secretary/Treasurer, Municipal Electric Power Association of Virginia, 311 Ironfronts, Post Office Box 753, Richmond, Virginia 23206 (MEA) and Joseph P. Mattaliano, City Manager, City of Philippi, 108 North Main Street, Philippi, West Virginia 26416 (CPW). Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Tygart Lake Dam and Reservoir and would consist of: (1) a powerhouse containing generating units having a total rated capacity of 25,000 kW (MEA) and 20,000 kW (CPW); (2) a tailrace; (3) new transmission lines; and (4) appurtenant facilities. The Applicants estimate that the average annual energy output would be 105,000,000 kWh (MEA) or 48,000,000 kWh (CPW).

Purpose of Project—Project energy would be retailed by 15 municipal members of MEA, and others; whereas, in the case of CPW, project energy would be retailed locally, and excess

energy would be wholesaled to public and private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicants seek issuance of a preliminary permit for a period of three years (MEA) or two years (CPW), during which time each would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, the successful Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies would be $250,000 (MEA) or $100,000 (CPW).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (Copies of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to West Virginia Renewable Resources, Inc., application for Project No. 3417 filed on September 2, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 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 Projects Nos. 4067 and 4239. 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 Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9679 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4224-000]

Orange Cove Irrigation District; Application for Preliminary Permit

March 26, 1981.

Take notice that Orange Cove Irrigation District (Applicant) filed on February 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4224 to be known as the Kings River Siphon Project located on the Friant-Kern Canal in Fresno 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. Edward C. Bickmore, Manager, Orange Cove Irrigation District, 1130 Park Blvd., P.O. Box 308, Orange Cove, California 93646. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of a powerhouse containing a single 600-kW generating unit located adjacent to the existing headworks of the Kings River Siphon at Mile 28.53 of the Water and Power Resources Service's Friant-Kern Canal and approximately 3,500 feet of transmission line. The Applicant estimates that the average annual energy output would be 2,500 MWh.

Purpose of Project—Project power would be sold to the Pacific Gas and Electric Company or other power purchaser.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed feasibility study including engineering, environmental, and marketing analysis. Applicant estimates the cost of the studies and preparation of a license application to be approximately $70,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the

competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4224. 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 applications, 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. 81-9690 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4211-000]

Paper Service Mills Inc.; Application for Preliminary Permit

March 26, 1981.

Take notice that Paper Service Mills Inc. (Applicant) filed on February 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4211 to be known as the Robertson Hydro Project located on the Ashuelot River in Cheshire County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary O'Neal, Paper Service Mills Inc., Hinsdale, New Hampshire 03451. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two dam structures, one, the Robertson Dam, is 150 feet long and 17 feet high; the other would be reconstructed at a breached site about 3000 feet upstream; (2) two reservoirs, the Robertson Reservoir would cover 8.5 acres with a storage volume of 63 acre-feet and extend about one-half mile; the other would cover less than 10 acres and also have a small storage capacity: (3) new powerhouses, intake works and penstocks and (4) turbine/generator units with total rated capacities between 2.0 and 4.0 MW.

The Applicant estimates that the average annual energy output would be between 7,000,000 and 14,000,000 kWh.

Purpose of Project—Project power would be sold to the Public Service Company of New Hampshire.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be between $20,000 and $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE

COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4211. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9681 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4221-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

March 26, 1981.

Take notice that Puget Sound Power & Light Company filed on February 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4221 to be known as Swift Creek Project located on Swift Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President—Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 15-feet high, 50-foot long concrete arch or gravity diversion dam; (2) a 4,000-foot long, 108-inch diameter low pressure concrete pipe; (3) a 3,000-foot long, 87-inch diameter penstock; (4) a concrete powerhouse containing a single generating unit with a rated capacity of 8,700 kW; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 47 million kWh.

Purpose of Project—Project energy would be utilized to serve Applicant's customers.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) test borings would be done in areas which are clear of vegetation, boring holes would be backfilled, and the ground surface reconditioned to the extent possible.

The cost of the above activities, along with 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 $300,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4221. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9681 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4283-000]

Fred N. Sutter, Jr.; Application for Preliminary Permit

March 27, 1981.

Take notice that Fred N. Sutter Jr. (Applicant) filed on March 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4283 to be known as Sutters Mill located on Millseat Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Fred N. Sutter Jr., P.O. Box 137, Shingletown, California 96088. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 30-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 2,000-foot long, 40-inch diameter penstock; (4) a powerhouse containing generating equipment with a combined capacity of 125-kW; and (5) a 0.1 mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 0.8 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertake the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminiary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4283. 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 Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9699 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4252-000]

Tulare Lake Basin Water Storage District; Application for Preliminary Permit

March 26, 1981.

Take notice that Tulare Lake Basin Water Storage District (Applicant) filed on February 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 4252 to be known as Lateral A Hydroelectric Project located on the California Aqueduct in Kings 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. Brent L. Graham, Manager, Tulare Lake Basin Water Storage District, 1109 Whitley Ave., Corcoran, California 93212. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing California Aqueduct turn out; (2) a 9,250-feet long penstock; (3) a powerhouse with a total rated capacity of 2,010 kW; and (4) appuntenant facilities. The Applicant estimates that the average annual energy output would be 6.2 million kWh.

Purpose of Project—Project energy would be sold to a private or public utility.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field

surveys, and preparing designs is estimated by the Applicant to be 100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertake the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminiary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4252. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9692 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3983-000]

Utilities Board of the City of Lamar; Application for Preliminary Permit

March 27, 1981.

Take notice that the Utilities Board of the City of Lamar (Applicant) filed on January 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3983 to be known as the Trinidad Dam Project located on the Purgatoire River in Las Animas County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Bill D. Carnahan, Superintendent; Lamar Utilities Board; 100 North Second St.; Lamar, Colorado 81052. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Army Corps of Engineers' Trinidad dam and reservoir, and would consist of: (1) a powerhouse containing generating units having a rated capacity of 825 kW; (2) transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,739,000 kWh.

Purpose of Project—Project energy would be utilized by the Applicant and/or sold to local public utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be between $15,000 and $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 14, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33

(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 14, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3983. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9704 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3879-000]

Gregory Wilcox; Application for Preliminary Permit

March 27, 1981.

Take notice that Gregory Wilcox (Applicant) filed on December 15, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3879 to be known as the Pineview Hydro Project located on the Ogden River in Weber 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. Gregory Wilcox, Attorney-at-law, 506 15th Street, 5th Floor, Oakland, California 94612. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resource Service's Pineview Dam and Reservoir, operated and maintained by the Ogden River Water Users Association, and would consist of: (1) a new penstock utilizing the existing outlet works in the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 500 kW; (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4,000,000 kWh.

Purpose of Project—Project energy would be sold to the City of Ogden and possibly other communities in the area. Additional potential markets will be investigated.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 2 years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Utah Hydro Corporation's application Project No. 3543 filed on October 8, 1980 under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION",

"COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3879. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9700 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3634-000, etc.]

Gregory Wilcox, et al.; Applications for Preliminary Permit

March 26, 1981.

In the matter of Gregory Wilcox (Project No. 3634-000), Mitchell Energy Company, Inc. (Project No. 3698-000), Hydroelectric Constructors Inc. (Project No. 3915-000), ENAGENCIES (Project No. 4137-000).

Take notice that Gregory Wilcox (GW), Mitchell Energy Company, Inc. (ME), Hydroelectric Constructors Inc. (HC) and Enagenics (EN) (Applicants) filed on November 3, 1980, November 7, 1980, December 31, 1980, and February 6, 1981, respectively, competing applications for a preliminary permit [pursuant to the Federal Power Act, 16 USC 791(a)-825(r)] for proposed Project Nos. 3634 (GW), 3698 (ME), 3915 (HC), and 4137 (EN) to be known as the Taylor Park Hydro Project located on the Taylor River in Gunnison County, Colorado. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Gregory Wilcox, Attorney-at-Law, 506 15th Street, 5th Floor, Oakland, California 94612 (GW); Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116 (ME); Mr. Glen G. Dorman, President, Hydroelectric Constructors Inc., Box 16, 5353 W. Dartmouth Avenue, Denver, Colorado 80227 (HC); and Mr. Thomas H. Clarke, Jr., President, Enagenics, 1717 Q Street, NW., Washington, D.C. 20009 (EN). Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Taylor Park Dam and Reservoir and would consist of: (1) a new penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 1,609 kW (GW), 1,609 kW (ME), 1,600 kW (HC) and 5,350 kW (EN); (3) a tailrace; (4) a new 69 kV transmission line, approximately 20 miles long; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be 10,300,000 kWh (GW and ME and HC) and 11,250,000 kwh (EN).

Purpose of Project—Project energy would be sold to public and private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicants seek issuance of a preliminary permit for a period of two years (GW and ME) or three years (HC and EN), during which time each would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, the successful Applicant would prepare an application for an FERC license. The Applicants estimate the cost of the studies under the permit would be $50,000 (GW and ME), $200,000 (HC), and $40,000 (EN).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3634, 3698, 3915 and 4137. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch,

Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9687 Filed 3-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RM79-34 and Docket No. ST81-120 et seq.]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and Transcontinental Gas Pipe Line Corp.; Self-Implementing Transactions

March 20, 1981.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commissions Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123 (b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested person may file a complaint concerning such transactions pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interestate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

DOCKET NO.	TRANSPORTER/SELLER	DATE FILED	PART 284 SUBPART	EXPIRATION DATE *	TRANSPORTATION RATE (CENTS/MCF)
ST81-120	TRANSCONTINENTAL GAS PIPE LINE CORP.	12/29/80	B	-	-
ST81-121	EL PASO NATURAL GAS CO.	12/29/80	F	-	-
ST81-122	NORTHERN NATURAL GAS CO.	12/29/80	B	-	-
ST81-123	NORTHERN NATURAL GAS CO.	12/29/80	B	-	-
ST81-124	TRANSCONTINENTAL GAS PIPE LINE CORP.	12/29/80	B	-	-
ST81-125	SEA ROBIN PIPELINE CO.	01/07/81	G	-	-
ST81-126	TENNESSEE GAS PIPELINE CO.	12/30/80	G	-	-
ST81-127	COLUMBIA GAS TRANSMISSION CORP.	12/30/80	B	-	-
ST81-128	NATURAL GAS PIPELINE CO. OF AMERICA	01/02/81	G	-	-
ST81-129	NATURAL GAS PIPELINE CO. OF AMERICA	01/02/81	G	-	-
ST81-130	NATURAL GAS PIPELINE CO. OF AMERICA	01/05/81	G	-	-
ST81-131	MICHIGAN CONSOLIDATED GAS CO.	01/07/81	G(HS)	-	-
ST81-132	UNITED GAS PIPE LINE CO.	01/08/81	G	-	-
ST81-133	UNITED GAS PIPE LINE CO.	01/08/81	G	-	-
ST81-134	TENNESSEE GAS PIPELINE CO.	01/09/81	G	-	-
ST81-135	SOUTHERN NATURAL GAS CO.	01/09/81	G	-	-
ST81-136	TRANSCONTINENTAL GAS PIPE LINE CORP.	01/09/81	H	-	-
ST81-137	SOUTHERN NATURAL GAS CO.	01/09/81	G	-	-
ST81-138	HOUSTON PIPE LINE CO.	08/27/79	C	-	-
ST81-139	TEXAS EASTERN TRANSMISSION CORP.	12/31/80	F	-	-
ST81-140	TRANS-ESTERN PIPELINE CO.	01/15/81	B	-	-
ST81-141	NORTHERN NATURAL GAS CO.	01/12/81	G	-	-
ST81-142	NATURAL GAS PIPELINE CO. OF AMERICA	01/16/81	G	-	-
ST81-143	COLUMBIA GULF TRANSMISSION CO.	01/16/81	G	-	-
ST81-144	TENNESSEE GAS PIPELINE CO.	01/16/81	F	-	-
ST81-145	DELHI GAS PIPELINE CORP.	01/21/81	C	-	-
ST81-146	DELHI GAS PIPELINE CORP.	01/21/81	C	06/21/81	29.50
ST81-147	PANHANDLE EASTERN PIPE LINE CO.	01/22/81	G	-	-
ST81-148	NATURAL GAS PIPELINE CO. OF AMERICA	01/22/81	B	-	-
ST81-149	ONG WESTERN, INC.	01/22/81	C,D	06/22/81	10.00
ST81-150	NATURAL GAS PIPELINE CO. OF AMERICA	01/26/81	H	-	-
ST81-151	UNITED TEXAS TRANSMISSION CO.	01/26/81	C	-	-
ST81-152	MOUNTAIN FUEL SUPPLY CO.	01/29/81	G	-	-

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* THE INTRASTATE PIPELINE HAS SOUGHT COMMISSION APPROVAL OF ITS TRANSPORTATION RATE PURSUANT TO SECTION 284.123(B)(2) OF THE COMMISSION'S REGULATIONS (18 CFR 284.123(B)(2)). SUCH RATES ARE DEEMED FAIR AND EQUITABLE IF THE COMMISSION DOES NOT TAKE ACTION BY THE DATE INDICATED.

[FR Doc. 81-9328 Filed 3-30-81; 8:45 am]
BILLING CODE 6450-85-C

ENVIRONMENTAL PROTECTION AGENCY

[OPP 68003C; PH-FRL 1793-1]

Dibromochloropropane; Withdrawal of Intent To Cancel Registrations for Use on Pineapples in Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 5, 1981, EPA withdrew its Notice of Intent to Cancel registrations for pesticide products containing dibromochloropropane (DBCP) for use on pineapples. Elsewhere in the Federal Register today are four other notices related to the registrations of pesticide products containing DBCP.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Pesticide Division (A-132), Office of General Counsel, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-426-9448).

SUPPLEMENTARY INFORMATION: Based upon the information available to the Agency and the amended terms of registration of DBCP for use on pineapples, the Administrator has determined that continued use of DBCP in pineapple culture does not appear to result in unreasonable adverse effects on the environment. Therefore, the Administrator has withdrawn the Notice of Intent to Cancel registration of pesticide products containing DBCP for use on pineapples. This decision makes reference to a number of publications which follow immediately.

References

1. Apt, W. J., 1980. Preliminary Report of the Application of Nematicides by Drip Irrigation. University of Hawaii, Honolulu, Hawaii (Unpublished data).

2. Awai, *et. al.*, 1980. Motion to Intervene. In re Amvac Chemical Co., *et al* FIFRA Docket Nos. 402, *et al.*

3. California Department of Health Services, 1980. Movement of DBCP Through Soil. California Department of Health Services, Sanitary Engineering Section, Berkeley, CA. (Unpublished data).

4. Cohen, S. Z., 1981. Findings on DBCP Contamination of Groundwater in Hawaii. (Memorandum) United States Environmental Protection Agency, Washington, D.C.

5. Ely, C., 1981. Letter Enclosing Sampling and Analytical Procedures Employed in the DBCP Water Monitoring Studies in Hawaii. (Procedures provided by Dr. Lyle Wong, Hawaii Department of Agriculture.)

6. Filleman, T., Nemecek, E. A., 1980. Hydrologic Analysis of Water Sampling Program for DBCP, Summer 1979, Maricopa County, Arizona. Arizona Water Commission.

7. Hadeed, S. J., 1979. Dibromochloropropane (DBCP) Well Sampling Program for Yuma County, Arizona. Bureau of Water Quality Control Division of Environmental Health Services, Arizona Department of Health Services.

8. Heath, R., 1981. Statistical Analyses of Molokai Sperm Count Data in "Final Draft" Report by Takahashi *et al.*, Occurrence of Spermatogenic Abnormalities in an Insular Population. (Memorandum) United States Environmental Protection Agency, Washington, D.C.

9. Horst, J., 1980. Update of Economic Analysis of Cancellation of DBCP for use on Pineapple. (Memorandum) United States Environmental Protection Agency, Washington, D.C.

10. Jelinek, C. F., 1979. FDA Survey for Dibromochloropropane (DBCP) in Peaches and Pineapples. (Letter) United States Environmental Protection Agency, Washington, D.C.

11. Love, T. D., 1979. Dibromochloropropane (DBCP) Well Sampling Program for Maricopa County, Arizona. Bureau of Water Quality Control Division of Environmental Health Services, Arizona Department of Health Services (Unpublished data).

12. Mink, J.F., 1979. Pineapple Growers Association Groundwater Sampling Program. Pineapple Growers Association of Hawaii.

13. National Cancer Institute/National Toxicology Program, 1980. Bioassay of Dibromochloropropane (Inhalation) for Possible Carcinogenicity. Carcinogenesis Testing Program, National Cancer Institute, Bethesda, Maryland and National Toxicology Program, Research Triangle Park, North Carolina.

14. NIOSH, December 1980. Proposed Protocol. NIOSH, Region IX.

15. Pinto, E., 1980. Report of Groundwater Contamination Study in Wicomico County, Maryland. Environmental Health Division, Wicomico County Health Department, Salisbury, Maryland.

16. Takahashi, W., *et al.*, 1980. Occurrence of Spermatogenic Abnormalities in an Insular Population: A Pilot Study. (Final Draft). Hawaii Epidemiologic Studies Program, Pacific Biomedical Research Center and Department of Obstetrics & Gynecology, John A. Burns School of Medicine, University of Hawaii, Honolulu (Unpublished data).

17. Takashige, S.H., 1981. Procedures Used for Collection of Samples and Determination of DBCP Residues in Pineapple Leaf Tissue and Fruit. (Memorandum) Del Monte Corporation, Hawaii.

18. Takashige, S.H., 1980. Report on DBCP Residues in Pineapple from a Field Drip Applied with DBCP. (Memorandum). Del Monte Corporation, Kunia, Hawaii.

19. Takashige, S.H., 1981. Report on DBCP Residues in Pineapple Plant Material. (Memorandum). Del Monte Corporation, Kunia, Hawaii.

20. Takashige, S.H., 1980 Study on DBCP Levels During DBCP Injection Thru Drip Irrigation (Special Report) Del Monte Corporation, Kunia, Hawaii.

21. Williams, D.D.F., 1980. DBCP in the Air Over a Field Injected with DBCP Under Mulch Film. Maui Pineapple Company, Ltd. Honolua Plantation, Field 65 (Unpublished data).

22. Wong, L., December 11, 1980. DBCP data (Tables summarizing test results, to date, for DBCP/EDB in water.) (Memorandum) Department of Agriculture, Honolulu, Hawaii.

23. Melius, James M., M.D. January 22, 1981. Letter to Edwin Johnson, EPA, re: NIOSH response to request for assessment of exposure to DBCP during pineapple culture in Hawaii.

Withdrawal of Notice of Intent To Cancel DBCP Registrations for Use on Pineapples in Hawaii

Background

Dibromochloropropane (DBCP) is the common name for the pesticide 1,2-dibromo-3 chloropropane, a soil fumigant used as a nematicide. On October 29, 1979, Administrator Costle issued the final decision of the Environmental Protection Agency suspending all uses of DBCP not previously suspended or cancelled except for use in pineapple culture in Hawaii. The suspension was based upon the statutorily-mandated finding that the suspended used of DBCP present an imminent hazard during the period in which cancellation proceedings could be conducted. With respect to DBCP use on pineapples during the suspension period, the Administrator found that DBCP use in pineapple culture was not likely to result in residues of DBCP in the fruit, that the relatively few workers potentially exposed were not likely to experience exposure in excess of 1 part per billion DBCP as an eight hour average and that hydrologic and geologic considerations unique to Hawaii warrant resolving any uncertainties about groundwater contamination in favor of continued registration on an interim basis.

At the same time as he issued the final order suspending all other uses of DBCP, the Administrator issued a notice of intent to cancel all uses of DBCP not previously cancelled and stated his conclusion that use of DBCP in accordance with current terms and conditions of registration and widespread and commonly recognized practice appears to generally cause unreasonable adverse effects on the environment, as that term is defined in § 2(bb) of FIFRA and that the labeling of DBCP products does not comply with the provisions of FIFRA. 44 FR 65170 (November 9, 1979).

The Administrator's findings were based upon the evidence of record in the suspension proceeding. Based upon that record, he found that DBCP causes cancer in laboratory animals and must be regarded as posing risks of cancer to

humans; that DBCP is a testicular toxin in humans which is capable of adversely affecting testicular function and interfering with spermatogenesis; and that DBCP is an animal and human mutagen which causes mutations both in somatic (body) cells and gametic (reproductive) cells—the latter of which can result in the transmission of heritable defects to future generations. 44 FR 65170 (November 9, 1981).

In the period since the close of the suspension record, the Agency has received a report of an additional bioassay of DBCP for possible carcinogenicity conducted by the National Institutes of Health (NIH) which exposed rats and mice to DBCP vapor through inhalation. (13) This inhalation study yielded results consistent with the previous NIH dietary study of DBCP; under the conditions of the bioassay, DBCP was carcinogenic for male and female rats.

The toxic properties of DBCP are such that any human exposure to the chemical is a matter of concern to the Agency, and the October 29, 1979 Notice of Intent To Cancel all remaining uses of DBCP included the finding that human exposure to DBCP may occur as the result of consumption of drinking water contaminated with DBCP; consumption of residues of DBCP in crops grown in soil treated with DBCP; inhalation of ambient air levels of DBCP in or around treated fields; and dermal contact with DBCP either during application and related procedures, or from residues in soil or on bark and foliage.

Basis for Withdrawal of Notice of Intent To Cancel DBCP for Use on Pineapples

The registrants of DBCP whose registrations of DBCP for use on pineapples have not been previously cancelled by operation of law have submitted to the Agency requests for amendments to their DBCP registrations for use on pineapples such that the labelling differs markedly from the previous labelling of this product. Moreover, additional information has been supplied to the Agency regarding potential exposures to DBCP associated with its use in pineapple culture in Hawaii. Finally, the Agency has developed requirements for additional data on potential DBCP exposures from use on pineapples and the registrants have indicated a readiness to comply with these requirements. These data requirements are in addition to an extensive data gathering effort which is being undertaken by the National Institute of Occupational Safety and Health.

Based upon the information available to the Agency at this time and the amended terms of registration for DBCP use on pineapples, I have decided to withdraw the notice of intent to cancel the remaining registrations of DBCP for use on pineapples. My reasons for so doing are elaborated below.

Because of the toxicity of DBCP, my determination that use of DBCP in Hawaiian pineapple culture in accordance with the amended terms of registration does not result in unreasonable adverse effects to man or the environment is based on an evaluation that exposure to DBCP can be maintained at extremely low levels as a result of the amended terms and conditions of registration and my comparison of the resulting risks to the benefits of continued DBCP use in Hawaiian pineapple culture. Potential exposure to DBCP from pineapple use in Hawaii could be from contaminated drinking water, contaminated pineapple food or feed products, or exposures associated with the handling and application of the chemical during agricultural use. Each of these potential routes of exposure and my basis for concluding that they do not result in unreasonable adverse effects is addressed below.

Potential Exposure From Drinking Water

Because of the demonstrated problem with DBCP contamination of public drinking water sources from agricultural use in California, Arizona, and certain other locations, [44 FR 65153–54 65166 (November 9, 1979) 7,11,6,3,15] continued use of the pesticide in Hawaiian pineapple culture must be considered in light of the question of whether that use creates a potential public health hazard by contamination of drinking water. At the time of the Administrator's final decision in the DBCP suspension hearing permitting continued DBCP use on pineapples during the pendency of the cancellation proceeding, he concluded that, based on evidence of record in that proceeding, geological and hydrological characteristics unique to Hawaii made contamination of public drinking water unlikely. Efforts to monitor drinking water sources in Hawaii which had been reported in the suspension proceeding had yielded results consistent with this conclusion.

In the time period since October of 1979, extensive additional monitoring of Hawaii drinking water supplies has been conducted by the State of Hawaii and others. (12,22,4) The results of these monitoring efforts do show some DBCP contamination of public drinking water sources in Hawaii, but they do not reveal contamination of the type of extent which presently represents a significant human health risk from widespread and commonly recognized practices DBCP use in Hawaii. No positive groundwater samples have been found from monitoring on Lanai or Molokai, both islands with extensive pineapple culture. Of sixty-eight "sites" [1] sample, ten reveal concentrations of DBCP greater than or equal to 0.02 ppb. These represent seven potential drinking water sites and three non-drinking water sites. Most of the positive samples are at low levels; the median of all positive samples is 0.051 ppb (excluding the results from the well at Kunia). In particular, DBCP contamination of underground water has been found in the following circumstances:

(1) A Del Monte well at Kunia on Oahu has contained levels of DBCP as high as 14 parts per billion (ppb). This well, which taps a basal aquifer, was the site of a 1977 major accidental spill of ethylene dibromide (an alternative nematocide used in Hawaiian pineapple culture) which apparently contained a small proportion of DBCP as a contaminant. Analyses of the well structure, pumping test results and the results of soil sampling and sampling of other wells using the same aquifer are all consistent with the explanation that the well at Kunia was contaminated as a result of the 1977 spill. It also appears that DBCP spillage has occurred in the past from a nearby storage and mixing area associated with experimental field plots. Consequently this contamination likely resulted primarily from misuse of the pesticide EDB and, in any event, not from widespread and commonly recognized practices of DBCP use.

(2) Sampling sites located within or just downgradient from pineapple fields on East Maui have shown levels of contamination usually below 1 ppb, although exceeding that value on one occasion. These contaminated springs are within 3–4 miles of each other and come from the perched aquifer and had not been thought to be public drinking water sources. It now appears that one spring at Maliko Gulch is used as a domestic water source. (2) One non-drinking water site on West Maui has also shown contamination.

(3) The Maui High School well has shown levels of contamination below 1 ppb. This well is poorly constructed compared to other wells in Hawaii, and the likely route of contamination is through the annular space around the well casing near the soil surface. The Maui High School well is used as an occasional public drinking water source.

(4) Two Waialua Sugar Co. irrigation wells on northern Oahu have shown levels of contamination under 50 parts per trillion DBCP. Although these wells tap the perched aquifer, at least one is soundly constructed with casing down to more than 800 feet below the soil surface. Therefore, the

[1] Some of the "sites" may represent sampling from essentially the same area, such as the sites in Maliko Gulch on Maui which are all within a few miles of each other.

contamination at this irrigation well could be an indication of DBCP movement through Hawaiian soil for several hundred feet.

The Agency has evaluated the monitoring efforts in Hawaii to date for adequacy of design and analytical methods and finds them acceptable. (5)

In addition to reviewing and evaluating the results of ground water monitoring efforts in Hawaii, the Agency has considered relevant hydrologic and soil characteristics in an effort to determine whether drinking water contamination by DBCP is likely from continued use of the pesticide. (12,4) Pineapples have been grown extensively on the islands of Lanai, Maui, Molokai, and Oahu. These islands are the tops of ancient, weathered volcanic peaks. This fact is the principal determinant of the hydrology of these islands. The pineapple areas often lie above the sugarcane fields and below upper elevations of steep terrain and rainforests. Thus, pineapple fields usually occur in areas between 1,000 feet and 3,000 feet elevation with rainfall of 30–60 in/yr. Return of surface water to ground water (recharge) occurs extensively in higher elevations, but also in pineapple areas. It has been demonstrated that irrigation water from cultivated fields in Hawaii reaches groundwater. Thus there is a possible path for DBCP to contaminate ground water in Hawaii.

Aquifers in these islands can be classified in two categories—basal and high level. Both can serve as drinking water supplies although most present or planned drinking water sources in Hawaii tap the basal aquifer. Basal aquifers are fresh water aquifers which float on top of the more dense sea water. High level aquifers are discontinuous with sea water, i.e., at higher elevations than basal aquifers. High level water supplies can occur as dike water—ground water which has been impounded by old lava flows that have hardened in vertical fissures. Perch water (a type of high level aquifer) is usually smaller pockets of ground water which sit on top of high level, low permeability material.

The soil layer is relatively thin in Hawaii (1' to 15') and consists of silty clay or textures similar thereto. The clay fraction (kaolinite) is a type which is conducive to leaching of organic compounds such as DBCP. Below the soil layer lies varying thicknesses of broken, weathered rock known as saprolite. High level ground water can occur in this region. Below the saprolite and other overburden material is the bedrock material which contains the basal aquifers.

These hydrologic and soil properties in Hawaii do not permit a conclusion that DBCP contamination of public drinking water sources in Hawaii cannot occur. However, based upon the Agency's evaluation of the results of extensive monitoring conducted to date, I have concluded that the present evidence does not indicate that DBCP contamination of drinking water in Hawaii is likely to present a significant risk to public health. Contamination detected to date has been limited to a very few geographic areas and has generally been at low levels. However, the results of monitoring efforts and the characteristics of Hawaiian hydrology and soil properties do present enough concern that future use of DBCP in Hawaii (or parts thereof) could lead to contamination of basal aquifers or other potential public drinking sources that further investigation is prudent. Accordingly, Agency scientists have worked with the State of Hawaii to design an on-going monitoring program and certain special investigatory tests aimed at furthering the understanding of DBCP activity in Hawaiian soils. The program will include extensive, periodic, routine water sampling at several selected sites throughout the islands as well as intensive soil monitoring at one specific site. These monitoring and investigatory efforts are being required of the DBCP registrants and the State of Hawaii has agreed to conduct them. Results of these investigations will be reviewed by the Agency to determine whether additional regulatory action on DBCP use on pineapples is warranted in the future.

Potential Exposure from Food Residues

The Administrator's decision suspending all remaining uses of DBCP except the use on Hawaiian pineapples noted that residues of DBCP in food crops pose a serious likelihood of exposure through ingestion, but that the record of the suspension proceeding indicates that DBCP use in pineapple culture is not likely to result in DBCP residues in the fruit. 44 FR 65165 (November 9, 1979) Data presented during that hearing showed no detectable DBCP residues in pineapple fruit or bran except for apparent residues ranging from trace amounts to 0.8 ppb measured in certain dust-covered fruit taken from the edge of a field just downwind from a newly treated field. In addition, the record of that proceeding describes cultural practices which result in a significant time lag, often more than two years, between the application of DBCP and the harvest of any fruit. Since the suspension proceeding, additional data have been presented to the Agency which report no detectable residues (limit of detection =.05 ppb) in pineapple fruit from fields to which DBCP was applied through drip irrigation 300 days before harvest of the fruit. (18,17) Samples of leaf tissue taken approximately 500 days following drip application of DBCP showed no detectable residues at a .01 level of detection. (19,17) In addition, an FDA survey of pineapples harvested in 1979 (following DBCP treatment in 1977) reported no detectable DBCP residues in ten samples at a 1 ppb level of detection. (10)

The amended registrations for use of DBCP on pineapples which I have accepted require a significant lag between treatment and harvest by providing for no application of DBCP less than 270 days prior to harvest. In addition, no application to adjacent fields is permitted less than four weeks prior to harvest. The available residue data and these use precautions support the conclusion that detectable DBCP residues in pineapples are unlikely. However, the residue data produced to data are limited in scope, and it is prudent to determine through more thorough and extensive testing whether detectable residues in pineapple food or feed products are a potential problem.

Therefore, the Agency is also requiring pursuant to § 3(c)(2)(b) of FIFRA that registrants conduct appropriate residue studies designed to evaluate food residue potential under the range of application practices authorized by the label.[2] These studies must utilize protocols and analytical methods acceptable to the Agency. The Pineapple Growers Association has agreed to undertaken the work required by these studies.

These studies will permit the Agency to more fully assess the potential for food residues on pineapples and to publish a tolerance [3] for DBCP *per se* in pineapples. Published tolerances for DBCP in pineapples have heretofore been established as tolerances for inorganic bromides (Br.) in or on raw agricultural commodities grown in soil

[2] Among other things, these residue data are to reflect the maximum number of permitted applications, the maximum permitted quantity per application and the minimum permitted time interval from last application to harvest. Analysis of fresh fruit, foliage, shells and bran are required. Detection of any residues in bran or foliage will result in a requirement that animal metabolism and feeding studies be conducted.

[3] A tolerance is the maximum residue level of a pesticide which can legally remain in or on a food commodity shipped in interstate commerce and is set pursuant to the Federal Food, Drug, and Cosmetic Act.

treated with DBCP and have permitted 50 parts per million Br in pineapples. 40 CFR 180.197. Because no tolerance for DBCP *per se* in pineapples have been established, the residue data ordinarily required by the Agency before the setting of a tolerance have never been generated.

The Agency expects that the results of the required residue studies will provide the information upon which a tolerance for DBCP in pineapples can be established if the data reveal an acceptably low residue level. In the event that these studies reveal a public health concern from residues in pineapples fruit or bran, the Agency will, of course, reassess its regulatory position on DBCP use in pineapples culture.

Potential Occupational Exposure

Humans are potentially exposed to DBCP during agricultural use of the product for pineapple culture. Those workers with apparent potential for explosure include workers transferring and loading DBCP, workers operating application equipment, workers performing maintenance or repairs on DBCP-related equipment, and workers involved in other tasks in or near pineapple fields during the period of application and after application.

In his decision exempting the pineapple use from the suspension of all outstanding DBCP registrations pending cancellation proceedings, the Administrator found that only a small number of pineapple workers were likely to experience exposure and that they were unlikely to experience exposures in excess of the 1 ppb standard (over an eight hour time-weighted average) set by the Occupational Safety and Health Administration. The record of the suspension proceeding contains evidence that operations at Maui Pineapple Company have resulted in application techniques capable of achieving ambient air concentrations less than 1 ppb (over an eight hour time-weighted average) during chisel application with plastic mulch overlay. Data from a 1977 study by Fred Hertlein and Associates and tests in 1979 by Maui Pineapple Company at several sites were presented to demonstrate the capability of achieving the 1 ppb (8 hour time-weighted average) standard. 44 FR 65152–65153 (November 9, 1979).

Since the suspension decision, the Pineapple Growers have submitted some additional data to the Agency which tend to confirm the technological feasibility of achieving a 1 ppb eight-hour average exposure during application of DBCP. These data include the results of an air monitoring study completed in November of 1980 by Maui Pineapple Company (21) and a 1980 report of air monitoring results following drip irrigation application by Del Monte Corporation. (20) All of the monitoring data reflect ambient air levels well below 1 ppb. However, these data are limited in scope, since they measure only ambient air levels at certain points in time during and following application. Some data extend for more than sixty days following application. No data are presently available to the Agency on potential exposure levels during transfer and loading, during equipment repair, or for the full range of permissible dose rates and application methods.

As noted earlier, the Occupational Safety and Health Administration has promulgated a workplace exposure standard for DBCP of 1 ppb as an eight hour time weighted average. 43 FR 11514 (March 17, 1978). OSHA did not find that exposure to DBCP at or below this level would eliminate all human health risk. Indeed, OSHA found that "no data is presently available to indicate that any given level of exposure to DBCP would, in fact, be free of carcinogenic risk to exposed individuals." 43 FR 11520 (March 17, 1978). Instead, OSHA, consistent with its statutory framework, set the permissable exposure limit for DBCP at the lowest level technologically feasible. 43 FR 11521 (March 17, 1978). Since 1978, therefore, all manufacturing workers working with DBCP have been protected from DBCP exposures in excess of an average of 1 ppb over eight hours. Equivalent protection of agricultural workers in pineapple culture appears technologically feasible and will therefore be accepted by the Environmental Protection Agency as a basis for continued registration of DBCP for use on pineapples.

The amended registrations for DBCP use on pineapples expressly requrie that the user (i.e., the pineapple growers) maintain exposure to all workers at or below 1 ppb average for eight hours and require periodic monitoring to demonstrate compliance. In addition to this requirement of performance in maintaining specified exposure levels, the labelling requires closed loading, transfer, and application systems. Protective clothing is required for loading, transferring and repair work involving the potential for DBCP leakage from equipment. Special requirements for equipment design, testing, and for such procedures as washing of protective gear are also included in the labelling. An extensive training program and medical monitoring are required for all potentially exposed workers by the amended labelling.

In connection with the issues relating to potential worker exposure to DBCP in pineapple culture, the Agency has carefully evaluated the results of a pilot study conducted by researchers at the University of Hawaii [4] (16) which examined sperm counts and other indicators of sperm conditions in pineapple workers and certain residents on the island of Molokai. The pilot nature of this study and major difficulties with estimating DBCP (and other chemical) exposure history of any of the workers involved make any conclusions from the study very tentative at best. In addition, the Agency's statistical analyses of the results reveal that no statistically significant differences in sperm counts between the worker group and the Molokai residents can be shown without deleting known marijuana users reporting marijuana use above an apparently arbitrarily chosen two marijuana cigarettes per week. (8) Nevertheless, the sperm count information for the workers involved does reveal unusually low sperm counts among this group of thirteen pineapple field workers. These sperm counts are consistent with sperm count results from studies of agricultural workers in selected mainland areas reported by the Agency in the suspension proceeding. 44 FR 65143 (November 9, 1979). Accordingly, the study raises questions whether exposure to DBCP for agriculture workers in Hawaiian pineapple fields can reliably be kept to the OSHA workplace standard and/or whether adverse health effects relating to spermatogenesis can occur in humans at dose rates below the OSHA standard.

In this regard, the National Institute of Occupational Safety and Health (NIOSH) has underway an effort to conduct a comprehensive study of exposure levels and associated sperm evaluations for men working in pineapple culture who are potentially exposed to DBCP. (14) NIOSH has informed the Agency that it is prepared to conduct these studies for each of the types of application practices employed in Hawaiian pineapple culture. (23) When completed, the NIOSH studies should provide data regarding exposure levels for all types of workers over the

[4] This study entitled "Occurrence of Spermatogenic Abnormalities in an Insular Population: a Pilot Study", was partially funded under a Cooperative Agreement between EPA and Pacific Biomedical Research Center. However, the work was not conducted or directly controlled by EPA and the report of the study, available as a final draft, does not reflect EPA review or approval.

entire time period of interest. Moreover, health effects monitoring associated with known exposure levels should help to answer questions about DBCP's potential to cause sperm effects at very low levels. In light of NIOSH's expertise and the thoroughness of their study design, the Agency has determined that it is unnecessary at this time to require that similar data be gathered by registrants.

Balance of Risks and Benefits

As set forth above, application of DBCP to pineapples in Hawaii in accordance with the amended terms of registration does not appear likely to result in significant exposure potential from contaminated drinking water, contaminated food or feed or occupational sources. Extensive further study is underway to monitor and evaluate exposure potential from each of these routes. However, I cannot conclude that total potential exposure and therefore that potential adverse health effects are zero or near zero. Accordingly, I also take note that the effects of cancellation of DBCP use on pineapples to the Hawaii growers have been estimated by Agency analysts to represent an annual yield loss of about 18% on those acres treated with DBCP or about 9% of the total annual pineapple crop during all years after the completion of one four-year cycle without DBCP. These annual yield losses are estimated at approximately $4 million in 1978 dollars. (9) While these estimates are fairly rough, they indicate a real benefit of DBCP use to the growers. (1) They may inherently underestimate the benefits associated with certain application practices, such as drip irrigation application, which can assure a commercially viable second ratoon crop (third harvest from a single planting.) (9) Although the contribution of pineapple purchases to the average American food budget is so small that consumer costs associated with any yield losses would be negligible, I find that the economic benefits to Hawaiian pineapple growers outweigh the remaining risks associated with use of DBCP on pineapples under the amended terms of registration.

Conclusion

As described above, I am hereby withdrawing the Notice of Intent to Cancel pesticide products containing DBCP for use on pineapples. Under the amended terms of registration submitted by the remaining registrants, continued use of DBCP in pineapple culture does not appear to result in unreasonable adverse effects on the environment. Based upon the information available to the Agency and the amended terms of registration of DBCP for use on pineapples, I have concluded that it is no longer appropriate to cancel the remaining DBCP registrations for use on pineapples.

Dated: March 5, 1981.

Walter C. Barber, Jr.,

Acting Administrator, United States Environmental Protection Agency.

[FR Doc. 81-9618 Filed 3-30-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP 60008; PH FRL 1792-8]

Dibromochloropropane; Acceptance of Requests for Cancellation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 5, 1981, EPA accepted the requests by all registrants of pesticide products containing dibromochloropropane (DBCP) that all their registrations for DBCP pesticide products for uses other than on pineapples in Hawaii be cancelled. Elsewhere in the **Federal Register** today are four other notices related to the registrations of pesticide products containing DBCP.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Pesticide Division (A-132), Office of General Counsel, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-426-9448).

SUPPLEMENTARY INFORMATION:

Statement of Acceptance of Requests for Cancellation of Certain Registrations for Pesticide Products Containing DBCP

The United States Environmental Protection Agency hereby accepts the requests by all registrants of pesticide products containing 1,2 dibromo-3-chloropropane (DBCP) that all their registrations for DBCP pesticide products for uses other than on pineapples in Hawaii be cancelled. These registrants of DBCP products for uses other than pineapples are Amvac Chemical Corporation, the Gowan Company, and Shell Chemical Company. Shell Chemical Company has requested complete cancellation of its remaining registration, which was for use on turf only.

Dated: March 5, 1981.

Walter C. Barber, Jr.,

Acting Administrator, Environmental Protection Agency.

[FR Doc. 81-9619 Filed 3-30-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP 170002; PH-FRL 1793-3]

Dibromochloropropane; Administrator's Statement Regarding Amvac Chemical Corporation's Nematocide Crop Guide for Bananas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Amvac Chemical Corporation has voluntarily withdrawn its U.S. dibromochloropropane (DBCP) registrations for all uses other than on pineapples and has developed a Crop Guide for DBCP use on bananas outside the United States. While EPA has no jurisdiction to regulate pesticides outside the United States and lacks adequate information to make full risk/benefit assessments for pesticide use in other nations, EPA agreed to evaluate Amvac's Nematocide Crop Guide for bananas. EPA has concluded that use of DBCP as suggested in the Crop Guide will reduce risks associated with DBCP as much as practicable. Elsewhere in the **Federal Register** today are four other notices related to the United States registrations of pesticide products containing DBCP.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Pesticide Division (A-132), Office of General Counsel, Environmental Protection Agency, 401 M. St., SW., Washington, D.C. 20460, (202-426-9448).

SUPPLEMENTARY INFORMATION:

Administrator's Statement Regarding Amvac Chemical Corporation's Nematocide Crop Guide for Bananas

Based upon its understanding of the circumstances of banana culture outside the United States, the Environmental Protection Agency ("Agency") has concluded that the use of DBCP in accordance with the directions and recommendations contained in the Amvac Chemical Corporation ("Amvac") Nematocide Crop Guide for Bananas will reduce the risks associated with DBCP use as much as practicable.

The Agency does not have statutory jurisdiction to regulate pesticides outside the United States. Furthermore, while the Agency has been given certain information about nematode control practices overseas, the Agency lacks adequate information to make any statements as to risk/benefit associated with local conditions such as geography, climate, living conditions and agricultural expertise. Nevertheless, the Agency is experienced in regulating agricultural pesticides from the standpoint of safety, health and

environmental concerns and is knowledgeable about risks associated with DBCP application.

As there is essentially no commercial banana culture in the United States, Amvac has voluntarily withdrawn its U.S. DBCP registration and has developed a Crop Guide for DBCP use on bananas outside the United States. Pursuant to Amvac's request, and because of the Agency's interest in worker safety regardless of where the worker lives, the Agency agreed to evaluate Amvac's Nematocide Crop Guide for Bananas. In addition to providing the Crop Guide, Amvac provided background documentation and provided for informal exchanges of information about cultural practices and DBCP use on bananas outside the United States by inviting knowledgeable personnel from international banana growing companies to meet with Agency personnel.

Given its understanding of realities of banana culture outside the United States, the Agency has concluded that use of DBCP in accordance with directions and recommendations contained in the Crop Guide will reduce risks associated with DBCP use as much as practicable.

Dated: March 5, 1981.

Walter C. Barber, Jr.,

Acting Administrator, Environmental Protection Agency.

[FR Doc. 81-9621 Filed 3-30-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP 32014; PH-FRL 1793-2]

Dibromochloropropane; Approval of Amended Terms and Conditions for Registration of Pesticide Products for Use on Pineapples in Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 5, 1981, EPA approved requests by Amvac Chemical Corporation, the Gowan Company, and the Pineapple Growers' Association of Hawaii that their registrations for pesticide products containing dibromochloropropane (DBCP) be amended to provide for use on pineapples in Hawaii under specified terms. Elsewhere in the Federal Register today, are four other notices related to the registrations of pesticide products containing DBCP.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Pesticide Division (A-132), Office of General Counsel, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-426-9448).

SUPPLEMENTARY INFORMATION:

Statement of Approval of Amended Terms and Conditions for Registration of Pesticide Products Containing DBCP for Use on Pineapples in Hawaii

The United States Environmental Protection Agency hereby approves the requests dated January 19, 1981 by Amvac Chemical Corporation (Amvac) and the Gowan Company (Gowan), and the request dated January 22, 1981 by the Pineapple Growers' Association of Hawaii (PGAH), that their registrations for pesticide products containing 1,2 dibromo-3-chloropropane (DBCP) be amended to provide for use solely on pineapples in Hawaii in accordance with the terms and conditions reflected in the labelling submitted with those requests by each of these registrants. I have found that use of DBCP in accordance with these amended terms and conditions or registration will not cause unreasonable adverse effects on the environment and would comply with the Federal Insecticides, Fungicide, and Rodenticide Act.

I am directing the Office of Pesticide Programs to notify the Registrants that these amendments have been accepted, effective today.

Dated: March 5, 1981.

Walter C. Barber, Jr.,

Acting Administrator, Environmental Protection Agency.

[FR Doc. 81-9620 Filed 3-30-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP 60006A; PH-FRL 1792-7]

Dibromochloropropane; Order Terminating Cancellation Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 5, 1981, EPA terminated the administrative hearing concerning registrations of pesticide products containing dibromochloropropane (DBCP). All outstanding disputes which provided a basis for these proceedings have been resolved. Elsewhere in the Federal Register today are four other notices that give the details of the resolutions.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Pesticide Division (A-132), Office of General Counsel, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-426-9448).

SUPPLEMENTARY INFORMATION:

Order Terminating the DBCP Cancellation Hearing

(In re: Amvac Chemical Corp., et. al. FIFRA Docket Nos. 402 et al.)

This Order terminates the administrative hearing arising out of notices of intent to cancel all outstanding registrations of pesticide products containing dibromochloropropane (DBCP) issued pursuant to section 6(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C. 136d(b)). I have decided to terminate this hearing because my decision to accept the requests for voluntary cancellation of the registrations of all remaining DBCP pesticide products for uses other than on Hawaiian pineapples and the modifications of labeling of DBCP pesticide products for use on Hawaiian pineapples has resolved all outstanding disputes which provided a basis for these proceedings.

The continued registrations of products containing DBCP has been the subject of a number of previous administrative actions. On October 27, 1977 Administrator Douglas M. Costle, after providing an opportunity for an expedited hearing, issued, under FIFRA section 6(c)(1), an order suspending the registrations of 19 food crops and imposing restrictions on remaining uses, pending completion of cancellation proceedings 42 FR 57543 (November 3, 1977). The Administrator under FIFRA section 6(b)(1) also issued a notice of intent to cancel registrations of products containing DBCP, proposing to cancel the registrations for 19 food crops outright, and proposing to permit the remaining uses to continue, but only under certain conditions ("conditionally cancelled" uses). 42 FR 57545 (November 3, 1977). The Agency deferred holding the hearing on the notice of intent to cancel pending completion of the Agency's review of the risks and benefits of DBCP products under the Agency's Rebuttable Presumption Against Registration Process.[1]

Upon completion of the RPAR review, the Administrator, on September 6, 1978, issued an amended notice of intent to cancel, adding 4 crops to the list of crops for which unconditional cancellation

[1] "RPAR" is an acronym for "rebuttable presumption against registration." Under the RPAR process, the Agency issues an RPAR upon determining that a pesticide exceeds certain risk criteria. The subsequent administrative process provides an opportunity for registrants and other interested parties to submit their views and information concerning whether or not the registrations should be cancelled or restricted. The RPAR provisions are set out in 40 CFR 162.11.

was proposed for a total of 23 crops, proposing to impose tighter restrictions on the remaining crops and setting a date by which requests for a hearing must be submitted.[2] The only unconditionally cancelled use for which a hearing request was timely received was for tomatoes.

On April 16, 1979, the Agency's judicial officer issued an accelerated Decision in FIFRA Docket Nos. 401 et al., in which he ruled in effect that the 22 other uses were unconditionally cancelled as a matter of law because no hearing was timely requested as to them within the statutory deadline prescribed in FIFRA section 6(b).[3] The cancellation proceeding for the tomato use was pending (although no evidence had been taken) when the Administrator issued a second notice of suspension on July 18, 1979, in response to additional information on the hazards of DBCP. In this notice of intent to suspend, the Administrator stated that his analysis of the available information indicated that the conditions required by the existing suspension order regarding the conditionally suspended uses were inadequate to reduce the risks associated with continued use of DBCP even on an interim basis. 44 FR 43335, 43337–38 (July 24, 1979). Therefore, the Administrator issued a notice of intent to unconditionally suspend all uses of DBCP. *Id.* at 43339. Formal evidentiary hearings were concluded on October 12, 1979 and the record of the suspension hearing comprises some 7,300 pages of testimony and 90 exhibits. The Administrative Law Judge issued his initial decision on October 20, 1979, recommending the immediate suspension of all registrations. 44 FR 65136, 65169 (November 9, 1979). On October 29, 1979, the Administrator issued his final decision suspending all uses of DBCP except on pineapples in Hawaii (*Id.* at 65169). He also issued the notice of intent to cancel all remaining uses which commenced the present proceeding. *Id.*[4]

A hearing on the final proposed cancellations was requested by three registrants, Amvac Chemical Corporation (Amvac), the Gowan Company (Gowan), and the Pineapple Growers Associations of Hawaii (PGAH),[5] and by six user groups, five of whom contested the cancellations of Amvac registrations and one who contested the cancellation of a Shell Chemical Company (Shell) registration for the turf use only. The PGAH hearing request was joined in by the State of Hawaii. The Amvac, Gowan, Shell and PGAH registrations for which a hearing has been requested therefore remained in effect while all other registrations were cancelled by operation of law under FIFRA section 6(b) (7 U.S.C. 136d(b)). An additional user group and two groups opposed to DBCP use [6] intervened in the ongoing cancellation proceeding, but their intervention did not affect the scope of the proceeding. *See* 40 CFR 164.31(a). The Secretary of Agriculture also intervened in the proceeding but did not take a position on the merits of any issue.

Prehearing conferences were held on January 22 and April 30, 1980, and the record of the suspension proceeding has been admitted into evidence subject to objection. The evidentiary hearing, however, has not yet commenced. On January 19, 1981 Amvac and Gowan submitted requests that their outstanding DBCP registrations be cancelled for all uses except the pineapple use and that the registrations be amended to permit use on pineapples in Hawaii in accordance with certain terms and conditions of use. By request dated January 22, 1981, PGAH also seeks amendment of their registrations to reflect the same terms and conditions of use. These amendments will affect only registrations for the pineapple use in Hawaii and will allow the continued use of DBCP for this purpose, subject to certain labelling requirements designed to limit human exposure. In addition, a long term environmental monitoring program and the development of certain residue data are required. On January 19, 1981 Shell requested that its registration for use on turf be voluntarily cancelled. I have today determined to accept these amendments and voluntary cancellations.

Acceptance of these voluntary cancellations has resulted in the elimination of all registrations for any use other than for pineapples in Hawaii. Amvac, Gowan, and PGAH have also voluntarily amended the terms of registration for the use of DBCP on pineapples in Hawaii to include additional safeguards and it now appears to me that DBCP use on pineapples in Hawaii in accordance with the amended label directions does not cause unreasonable adverse effects on the environment. Accordingly, I have determined to withdraw the notice of intent to cancel the registration for the pineapple use and have set out my reasons for so doing in an accompanying notice. PGAH and Hawaii have also withdrawn their request for a hearing on the October 29, 1979 Cancellation Notice as it relates to certain labels for registrations held by Shell Chemical Company and Dow Chemical Company and for which PGAH has held state-issued section 24 registrations. Therefore, no outstanding disputes concerning the cancellation of existing registrations remain to provide a basis for further proceedings in the DBCP Cancellation Hearing (FIFRA Docket No. 402 *et al.*).

The right of any party to compel that a hearing continue must be premised on some dispute concerning an existing registration. In *McGill v. Environmental Protection Agency,* 593 F.2d 631 (5th Cir. 1979), the court of appeals held that when a voluntary cancellation of Mirex resolved all disputes addressed in an ongoing proceeding, the parties to the hearing representing user groups had no independent right to prevent the termination of the hearing. *Id.* at 634, 636 & 637. Since all outstanding registrations except that for the pineapple use have been voluntarily cancelled by the registrants and since all the registrants have stated that they do not concur with any request by any interested person that these registrations be continued in effect, no controversy within the

[2] The 23 food crops for which unconditional suspension was proposed were broccoli, brussel sprouts, cabbage, carrots, cauliflower, celery, cucumbers, eggplant, endive, lettuce, melons, parsnips, peanuts, peppers, radishes, squash, strawberries (but not nursery stock), tomatoes, turnips, limabeans, okra, snap beans, and southern peas.

[3] Amvac, however, has contended that its objection and request for a hearing applied to all uses proposed to be unconditionally cancelled, not just the tomato use, and in the alternative, that Amvac should have been permitted to amend its request to include all uses proposed for unconditional cancellation. Amvac has brought suit in the United States District Court for the Central District of California and the United States Court of Appeals for the Ninth Circuit to contest the Agency's interpretation. Neither court has yet reached the merits of the question, but the Ninth Circuit has recently held that the appropriate forum is the district court. *Amvac Chemical Corp.* v. *EPA*, No. 79–7270 (9th Cir. December 1, 1980). Consistent with the voluntary cancellation by Amvac and others of all existing registrations (except for the pineapple use), Amvac no longer seeks to maintain the registrations which are the subject of the lawsuit. Amvac has indicated that it will request the district court to dismiss the case.

[4] The remaining end uses subject to this proceeding are: cotton, soybeans, citrus, grapes, pineapples, peaches, nectarines, plums, almonds, berries (blackberries, blueberries, loganberries, dewberries, boysenberries, raspberries), strawberry nursery stock, apricots, cherries, figs, walnuts, bananas, turf (commercial and residential) ornamentals (commercial and residential) and tomatoes.

[5] The registrations held by PGAH are registrations issued by the state in accordance with section 24 of FIFRA. These registrations are deemed equivalent to federally issued registrations for all purposes under FIFRA.

[6] One citizens' group, Amaya, *et al.*, consists of a combination of farmworkers, farmworker groups, and individuals interested in farmworker matters; the other, Awai *et al.* is composed of several individual citizens of Hawaii.

Agency's jurisdiction concerning the voluntarily cancelled uses can remain.

All parties interested in maintaining the sole remaining registrations, those for the pineapple use in Hawaii, have voluntarily submitted modifications in the terms and conditions of these registrations and have withdrawn their request for a hearing on the October 29, 1979 Cancellation Notice as it applied to registrations for which no amendment is sought. The only remaining parties who could object to continued DBCP use on pineapples in Hawaii are intervenors and as such are limited to addressing the issues legitimately presented in the notice of cancellation and raised by the parties with a right to compel a hearing. 40 CFR 164.31(c). Since the Agency has determined to withdraw the cancellation notice for the pineapple use, as well as to accept the voluntary cancellation of registrations for all other uses, no actual controversies of material fact within the scope of the hearing remain and therefore it is appropriate for me to terminate the hearing.

My acceptance of the voluntary cancellations by the registrants is not a decision based on an evidentiary record made in a cancellation proceeding and is without prejudice to the statutory right of any person to file an application for a registration under section 3 of FIFRA (7 U.S.C. 136a) or any other section of the Act for permission to sell, distribute or use DBCP for any of the cancelled uses. Any such application would, of course, be subject to the applicable substantive and procedural requirements of the statute and the Agency's regulations.[7]

Accordingly, since no disputes concerning outstanding registrations remain to be resolved, it is ordered that this hearing on the notice of cancellation of pesticides containing DBCP is hereby terminated.

[7] Since the cancellation of DBCP registrations are based on voluntary cancellations rather than a decision following the full cancellation hearing, Subpart D of Part 164, which requires that any reregistration of a pesticide cancelled after a hearing be based on "substantial new evidence" and the results of a public hearing, is not applicable. 40 CFR 164.131. For any interested person who desires to examine the major information on DBCP uses which the Agency has received since the close of the suspension record, several important documents have been filed by the Office of General Counsel with the Hearing Clerk. A list of those documents is available there. The Agency is also completing the water monitoring study for DBCP in groundwater in Florida, Georgia, and South Carolina. Results from that study will be made available to any interested person.

Dated: March 5, 1981.

Walter C. Barber, Jr.,

Acting Administrator, Environmental Protection Agency.

[FR Doc. 81-9617 Filed 3-30-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[PR Docket No. 81-120, File Nos. 42191-IB-65, 42192-IB-65, and 42193-IB-65]

Dial Electric & Engineering, Inc.; for Renewal of Business Radio Station Licenses KN-2705, KII-93 and KRK-603; Correction

Adopted: March 20, 1981.

Released: March 23, 1981.

The Chief, Private Radio Bureau released a Designation Order on March 12, 1981 (46 FR 17878, March 20, 1981). The Order is corrected as follows:

1. The caption on page one is corrected to read as: "Dial Electric & Engineering, Inc."

2. The first paragraph on page one is corrected to read as:

"The Chief, Private Radio Bureau, has under consideration the applications of Dial Electric & Engineering, Inc., 7020 Beach Street, Westminster, Colorado 80030, dated May 7, 1980, to renew the Business Radio Service licenses issued to it on June 13, 1975, for five year terms.[1 2]"

Chief, Private Radio Bureau.

W. Riley Hollingsworth,

Acting Chief, Compliance Division.

[FR Doc. 81-9572 Filed 3-30-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 81-174]

Privacy Act of 1974; Establishment of Records System for Office of Internal Evaluation and Compliance

Dated: March 24, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Establishment of new record system.

SUMMARY: The Board is proposing to establish a new system of records to permit access and indexing to records collected by the Board's Office of Internal Evaluation and Compliance. The records will contain information related to alleged irregularities including possible fraud and waste, or to alleged criminal misconduct.

DATE: Comments must be received by May 30, 1981.

ADDRESS: Send comments to Office of the Secretariat, FHLBB, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Richard Gordon, Office of Internal Evaluation and Compliance, FHLBB, telephone number: (202) 377-6101.

SUPPLEMENTAL INFORMATION: The Privacy Act of 1974 (5 U.S.C. 522a) requires agencies to publish notice of proposals to establish or alter any system of records containing information about individuals, which information is retrained by the name of individual or some identifying number, symbol, or other identifying particular assigned to such individual, and to provide opportunity for interested persons to submit written data, views, or arguments to this agency.

Under the proposal the Board would establish a system of records to permit the retrieval by name of records collected by the above office in its effort to prevent waste and fraud in the operations of the Board, the Federal Savings and Loan Insurance Corporation, and the twelve regional FHL Banks. Some records or portions of records may be exempt in accordance with 5 U.S.C. 522a(k) (2) and (5).

Accordingly the Board hereby proposes to establish a system of records, designated Investigation Files, as described below.

SYSTEM NAME:

Investigation files.

SYSTEM LOCATION:

Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Bank Board under investigation and such other persons involved in Bank System and FSLIC operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information concerning investigation of alleged irregularities in the operations of the Federal Home Loan Bank Board, the FSLIC, and FHLBs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. section 301, 44 U.S.C. section 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law,

whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charge with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. A record from a system of records maintained by this agency may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from a system of records maintained by this agency may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision.

4. Disclosures may be made 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.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents in file folders.

RETRIEVABILITY:

Filed by name of person under investigation and by case number.

SAFEGUARDS:

Records are maintained in locked file cabinets in secured rooms with access limited to those persons whose duties as approved by the Director require access.

RETENTION AND DISPOSAL:

Retained in office for 1 year after administrative closing of file. Retained by Record Center for 14 additional years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Internal Evaluation and Compliance, 1700 G Street, N.W., Washington, D.C. 20552.

NOTIFICATION PROCEDURE:

Inquiries concerning the records shall be made to the system manager.

RECORDS ACCESS PROCEDURES:

Persons wishing to have access to their records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a brief resume or description of the information thought to be included in the record, a statement setting forth the desired access or changes, and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See access procedures.

RECORD SOURCE CATEGORIES:

Subject individuals, employees and officers of the Board and the FHLB's employees and officers of insured S&LAs, and borrowers and other persons having transactions with insured S&LAs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 522a(k)(2) and (k)(5), all investigatory material in the record which meets the criteria of these sub-sections is exempt from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and section 505a.12 of the agency regulations in order for the Board's staff to perform its functions properly.

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 81-9710 Filed 3-30-81; 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 NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, NY.; 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 April 20, 1981. 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-21-9.

Filing party: Mr. Ronald L. Laumbach, Assistant General Counsel, Cargill, Inc., Law Department, P.O. Box 9300, Minneapolis, Minnesota 55440.

Summary: Agreement No. T-21-9, between Sacramento-Yolo Port District (Port) and Cargill, Inc. (Cargill), modifies the basic agreement between the parties which provides for the lease to Cargill of a grain terminal facility at Sacramento, California. The purpose of the modification is to provide for Cargill's exclusive use of approximately 11,000 metric tons of storage space, to be used for the storage of Cargill's non-grain feed ingredients or substituted grain (hereinafter called "NGFI"). Port shall make such storage space available to Cargill for one year, or until such "NGFI" is loaded upon vessels, whichever shall last occur. The parties agree that during the term of the agreement, Cargill shall transport by water a minimum of 40,000 metric tons of "NGFI" or pay liquidated damages for any amount less than the minimum, in accordance with terms of the agreement. The parties further agree to terms and conditions of daily receiving operations, applicable tariff assessments, monthly storage charges, wharfage, service and facilities charges and other terms and conditions provided for in the agreement.

Agreement No. T-3951.

Filing party: Mr. H. H. Wittren, Assistant Director of Real Estate, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-3951, between Port of Seattle (Port) and Hanjin container Lines, Lit. (Hanjin), provides for the preferential assignment to Hanjin of approximately ten acres within Terminal 18/20, located at the Port of Seattle, Washington.

The premises will be used for the storage and other necessary functions of Hanjin's containers and chassis. The agreement further provides for Hanjin's use, pursuant to the Port's tariffs, of Berths 3, 4, 5, or 6 at Terminal 18 on a preferential basis and a container crane on a common-user basis. As compensation, the Port will receive a monthly rental of $22,916, plus applicable taxes, for the preferentially assigned area, and all applicable port tariff charges for Hanjin's use of the berths, aprons and container crane. The parties further agree to indemnification, subletting and assignments, easements and other terms provided for in the agreement. The term of the agreement is one year, four months.

Agreements Nos. T-3958 and T-3958-A.

Filing party: Timothy Trushel, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.

Summary: Agreement No. T-3958, between the Port of Longview (Port) and International Raw Materials, Ltd. (International), provides for International's exclusive use of certain terminal facilities upon 48 hours notice to the Port of its intention to use these facilities. International, in its capacity as a commodities trader, will use these facilities for the export movement of dry bulk products which have been purchased from U.S. producers for resale to foreign purchasers. International will pay Port usage charges based upon volume of tonnage moved as set forth in the terms of the agreement. The initial term of the agreement is 5 years with renewal options for two consecutive 5-year periods.

Agreement No. T-3958-A is an operating agreement providing that the Port will maintain the facilities and will furnish all manpower and equipment necessary to handle International's dry bulk export cargoes from time of receipt thereof at truck and rail dumps to the time of delivery of same to ships at the end of the bulk loading conveyer. International's exclusive use of the facility is provided for in corresponding Agreement No. T-3958. International will compensate the Port of its services based upon a volume of cargo handled formula set forth in the terms of the agreement. Agreement No. T-3958-A is co-terminus with Agreement No. T-3958, i.e., 5 years with two 5-year renewal options.

By Order of the Federal Maritime Commission.

Dated: March 25, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 9543 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed; Correction

Agreement No. 5600-41.

Filing party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Summary: The notice of the filing of Agreement No. 5600-41 appeared in the Federal Register on March 17, 1981, Page 17137, which incorrectly stated that the agreement would, among other things, eliminate the unanimity requirement for effecting changes in the basic agreement. It should have read "Agreement No. 5600-41 would amend various articles of the Philippines North America Conference Agreement for the purpose of (1) allowing each group to permit operations via substituted overland service, either at origin or destination; (2) changing the voting requirement for effecting decisions at conference meetings on matters relating to general conference business, general rate increases, open rates and tariff matters; (3) changing the voting and time requirements necessary for effecting decisions by telephone ballot; (4) eliminating the provision which permits the use of a circular ballot; and (5) interposing a cargo-lifting requirement in lieu of a sailing requirement in order to maintain voting privileges."

Dated: March 25, 1981.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-9544 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-24]

I.T.O. Corp. of New England v. Port of Boston Marine Terminal Association and Massachusetts Port Authority; Filing of Complaint and Assignment

Served: March 26, 1981.

Notice is given that a complaint filed by I.T.O. Corporation of New England against Port of Boston Marine Terminal Association and Massachusetts Port Authority was served March 25, 1981. Complainant alleges that respondent's Terminal Tariff No. 2 Indemnity provision is unjust and unreasonable in violation of sections 16 and 17 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-9542 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

Chariot Transport International, et al.; 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.

Chariot Transport International (Kevin Jones, dba), 5511 W. 104th St., Los Angeles, CA 90045

Associated Forwarders, Inc., 100 I.T.M. Bldg., #2 Canal Street, New Orleans, LA 70130, Officers: Arthur B. Bornstein, President

Barberan Shipping (Theresa H. Barberan, dba), 19 Lexington Avenue, Staten Island, NY 10302

Phoenix International Freight Services, Ltd., 1812 Elmhurst Road, Elk Grove Village, IL 60007, Officers: William McInerney, President; Edward Zahorik, Vice President; Maureen McInerney, Secretary/Treasurer; Douglas C. Schaff, Assistant Secretary.

Dated: March 26, 1981.

By the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-9662 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

Seapac Container Service, S.A. and Seatrain Pacific Services, S.A.; Agreements

Filing Party: James P. Moore, Esquire, Kirlin, Campbell & Keating, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Effective December 23, 1980, Seapac Container Service, S.A. succeeeded to the business of Seatrain Pacific Services, S.A. in the following agreements:

57	80791-2
9981	80792-2
10032	80798
10305	80841
10401	80850-2
T2480	80856-2
T2481-1	80862
T3038	80863-2
T3760	80883

80971	81388
80983–1	81406
81036–1	81408
81037	81416–1
81077	81416–2
81083–2	81421
81103	81440
81135	81440–1
81218	81442
81230	81442–1
81317–1	81442–2
81318	81454
81328	81507
81330	81533
81331	81544
81341	81545
81344	81547
81353	81571
81387	81780

Dated: March 26, 1981.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-9663 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2210]

Shamrock International, Inc.; 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 Shamrock International, Inc. was cancelled effective March 20, 1981.

By letter dated March 16, 1981, Shamrock International, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2210 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Shamrock International, Inc. 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. 2210 be and is hereby revoked effective March 20, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2210 issued to Shamrock International, 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 Shamrock International, Inc.

Daniel J. Connors,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-9664 Filed 3-30-81; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Committee on Special Studies Relating to the possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants

AGENCY: Office of the General Counsel, HHS.

ACTION: Notice of Advisory Committee Establishment.

PURPOSE: The Advisory Committee on Special Studies Relating to the possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants shall advise the Secretary and the Chair of the Interagency Work Group to Study the possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants (Work Group) concerning the Advisory Committe's oversight of the conduct of the Epidemiologic Study of Ranch Hand Personnel by the Air Force. The Advisory Committee shall also provide technical assistance to the Air Force in its conduct of the study. The Advisory Committee shall perform the same functions with respect to its oversight of any other studies in which the Work Group believes involvement of the Advisory Committee is desirable.

DATES: The Charter for this Committee was signed by the Secretary of Health and Human Services on January 19, 1981. It will terminate five years from the date of signature by the Secretary, and will be renewed every two years in compliance with Pub. L. 92–463.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie A. Platt, Deputy General Counsel for Legal Counsel, DHHS, Room 716E, 200 Independence Avenue, S.W., Washington, D.C. 20201, 202–245–7542.

SUPPLEMENTARY INFORMATION: The Committee is being formed to advise the Secretary and the Chair of the Work Group. The Work Group is comprised of Representatives of the Departments of Health and Human Services and Defense and the Veterans Administration, and is under the leadership of the Secretary of Health and Human Services. It is chaired by the General Counsel of the Department of Health and Human Services. Representatives from the Departments of Agriculture and Labor, the Environmental Protection Agency, the Office of Science and Technology Policy and Congress' Office of Technology Assessment have observer status on the Work Group.

Ranch Hand personnel applied Herbicide Orange in Vietnam between 1962 and 1971. The results of this study are expected to provide useful information about the long-term health effects of exposure of veterans to Agent Orange in Vietnam.

Dated: March 25, 1981.

Juan A. del Real,

Acting General Counsel.

[FR Doc. 81-9606 Filed 3-30-81; 8:45 am]

BILLING CODE 4110-03-M

Alcohol, Drug Abuse, and Mental Health Administration

Board of Scientific Counselors; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of May 1981.

Board of Scientific Counselors, NIMH

May 28–29; 9:30 a.m.

Conference Room 10B–07, Building 36, National Institutes of Health, Bethesda, Maryland 20205

Open—May 28; 9:30 to 9:45 a.m.

Closed—Otherwise

Contact: John C. Eberhart, Ph.D., Building 36, Room 1A–05, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–3501.

Purpose: The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda: The Board will meet in Conference Room 1B–07, Building 36, Bethesda, Maryland, for approximately 15 minutes for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. The remainder of the two-day session will be devoted to a review of the intramural research projects from the Laboratory of Developmental Psychology, and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration,

pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 94–463.

Substantive information may be obtained from the contact person listed above. Summaries of the meeting and a roster of committee members will be furnished upon request by the NIMH Committee Management Office, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443–4333.

Dated: March 25, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration

[FR Doc. 81–9550 Filed 3–30–81; 8:45 am]

BILLING CODE 4110–88–M

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of April 1981.

The Federal Employee Alcoholism Programs Work Group—Interagency Committee on Federal Activities for Alcohol abuse and Alcoholism

April 21; 1:00 p.m.—Open

Hubert H. Humphrey Building, 200 Independence Avenue SW., Conference Room 337/339–A, Washington, D.C. 20201

Contact: Lisa Teems, Room 509–F, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201 (202) 245–7153.

Purpose: The Federal Employee Alcoholism Programs (FEAP) Work Group evaluates the adequacy and technical soundness of all internal programs dealing with employee alcoholism within all Federal military and civilian organizations of 1,000 employees or more; provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities; seeks to coordinate efforts among Federal agencies for internal employee alcoholism programs; and submits reports and recommendations to the Interagency Committee as necessary in order to perform the above functions.

Agenda: The meeting will consist of a discussion on the development of regional representation for this Work Group, and a discussion of the future directions of Federal employee alcoholism programs, and the appropriate role of the FEAP Work Group.

Substantive information may be obtained from the contact person listed above. Summaries of the meeting and a roster of Committee members will be furnished upon request by Ms. Helen Garrett, Committee Management Officer, NIAAA, Room 16C–21, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2860.

Interagency committee on Federal Activities for Alcohol Abuse and Alcoholism

April 28; 9:30 a.m.—Open

Hubert H. Humphrey Building, 200 Independence Avenue SW., Conference Room 403–A, Washington, D.C. 20201

Contact: James Vaughan, Room 16C–06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–3887.

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism, and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: The meeting will consist of a discussion of activities of the several Work Groups and presentation of the Fourth Special Report to the Congress and Alcohol and Health, and the Annual Report to the Congress on Federal Activities on Alcohol Abuse and Alcoholism.

Substantive information may be obtained from the contact person listed above. Summaries of the meeting and a roster of Committee members will be furnished upon request by Ms. Helen Garrett, Committee Management Officer, NIAAA, Room 16C–21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2860.

Dated: March 25, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81–9551 Filed 3–30–81; 8:45 am]

BILLING CODE 4110–88–M

Health Care Financing Administration

Pharmaceutical Reimbursement Board; Proposed Maximum Allowable Cost (MAC) Limits and Announcement of Public Hearing

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: The Pharmaceutical Reimbursement Board (PRB) proposes maximum allowable cost limits on the drugs specified below and announces a public hearing with regard to these proposed MAC limits.

DATES: Hearing—June 11, 1981 (10 a.m.–5 p.m.). End of comment period: May 22, 1981. End of period for submission of requests to appear at the hearing: May 22, 1981.

Interested persons and organizations are invited to submit in writing comments on the proposed MAC limits. All comments received by May 22, 1981 will be considered and will be maintained for public inspection in the Pharmaceutical and Medical Services Reimbursement Branch Bureau of Program Policy, HCFA.

A public hearing on the proposed MACs will be held on June 11, 1981. Persons or organizations wishing to make presentations must submit to the Board's Executive Secretary by May 22, 1981, at least 20 copies of the proposed oral presentation in its entirety together with all supporting studies and materials and the names and addresses of proposed participants. The Board will grant every request to appear if the presentation is relevant to the proposed MAC limits.

PLACE OF HEARING: Room 171, 1st Floor, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

FOR FURTHER INFORMATION CONTACT: Charles Spalding, Executive Secretary, Pharmaceutical Reimbursement Board, 1–D–5 East Low Rise, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–5403.

SUPPLEMENTARY INFORMATION: The Pharmaceutical Reimbursement Board has been established within the Health Care Financing Administration for the purpose of setting MAC limits on certain multiple source drugs for which reimbursement is provided under Medicaid, Medicare and other programs administered by the Department. In accordance with 45 CFR 19.5, the Pharmaceutical Reimbursement Board proposes the following MAC limits:

Drug and Proposed MAC Limit

Acetaminophen w/Codeine, oral tablet, 300 mg/30 mg—$0.0649 per tablet.
Acetaminophen w-Codeine, oral tablet, 300 mg/60mg—$0.1458 per tablet.
Ampicillin, oral capsule, 250 mg—$0.0420 per capsule.
Ampicillin, oral liquid, 125 mg/5 ml—$0.0114 per milliliter.
Penicillin VK, oral tablet, 250 mg—$0.0395 per tablet.
Penicillin VK, oral tablet, 500 mg—$0.0649 per tablet.
Penicillin VK, oral liquid, 125 mg/5 ml—$0.0109 per milliliter.
Tetracycline HC1, oral capsule, 500 mg—$0.0394 per capsule.

The Board originally identified these multiple source drugs as drugs for which significant amounts of Federal funds are expended and for which there are significantly different prices. The Food and Drug Administration has advised the Board that there is no regulatory action, either pending or under consideration, that would be a reason for delaying or withholding the establishment of MAC limits on the drugs listed above. In making the initial determination of the lowest unit price at which each of the drugs is widely and consistently available from any formulator or labeler, the Board relied on two sources: A HCFA survey and *Drug Topics Red Book*. The HCFA survey is a summary, updated monthly, of pharmacy invoice prices obtained by HCFA under contract with IMS America. The HCFA survey price is based on the 70th percentile of invoice prices from a panel of 1,000 pharmacies nationwide. *Drug Topics Red Book*, published annually and updated monthly, is an authoritative and recognized listing of advertised prices.

1. *Acetaminophen w/Codeine, oral tablet, 300 mg/30 mg.* The Board proposes a MAC limit of $0.0649 per tablet. At this limit, the HCFA survey shows that the product is available from Smith Kline, the fourth largest ethical drug firm and Parke Davis and Lederle, subsidiaries of the tenth and eighteenth largest ethical drug firms. Forty percent of the leading supplier's product has been purchased at this limit. Small independent pharmacies have purchased the product at or below the proposed limit. The *Red Book* lists three other suppliers at or below the proposed limit.

2. *Acetaminophen w/Codeine, oral tablet, 300 mg/60 mg.* The Board proposes a MAC limit of $0.1458 per tablet. At this limit, the HCFA survey shows that the product is available from Smith Kline and Burroughs Wellcome, the fourth and fifteenth largest ethical drug firms. Over eighty percent of the purchases from the category "all other brands" were at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit. The *Red Book* lists two others suppliers at or below the proposed limit.

3. *Ampicillin, oral capsule, 250 mg.* The Board proposes a MAC limit of $0.0420 per tablet. At this limit, the HCFA survey shows that the product is available from Wyeth, Bristol, Parke Davis and Lederle, subsidiaries of the second, nineth, tenth, and eighteenth largest ethical drug firms. Over sixty percent of the purchases of the product were made at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit.

4. *Ampicillin, oral liquid, 125 mg/5 ml.* The Board proposes a MAC limit of $0.0114 per milliliter. At this limit, the HCFA survey shows that the product is available from Smith Kline and Squibb, the fourth and sixteenth largest ethical drug firms, and from Wyeth, Parke Davis and Lederle, subsidiaries of the second, tenth, and eighteenth largest ethical drug firms. Over seventy percent of the purchases of the product were made at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit.

5. *Penicillin VK, oral tablet, 250 mg.* The Board proposes a MAC limit of $0.0395 per tablet. At this limit, the HCFA survey shows that the product is available from Smith Kline and Squibb, the fourth and sixteenth largest ethical drug firms and from Pfipharmecs, a subsidiary of the twelfth largest ethical drug firm. Forty percent of the total market and over ninety percent of the category "all other brands" were purchased at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit.

6. *Penicillin VK, oral tablet, 500 mg.* The Board proposes a MAC limit of $0.0649 per tablet. At this limit, the HCFA survey shows that the product is available from Upjohn and Squibb, the eighth and sixteenth largest ethical drug firms and from Parke Davis, a subsidiary of the tenth largest ethical drug firm. Over thirty percent of the total market and over ninety percent of the category "all other brands" were purchased at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit.

7. *Penicillin VK, oral liquid, 125 mg/5 ml.* The Board proposes a MAC limit of $0.0109 per milliliter. At this limit, the HCFA survey shows that the product is available from Smith Kline and Squibb, the fourth and sixteenth largest ethical drug firms and from Parke Davis and Lederle, subsidiaries of the tenth and eighteenth largest ethical drug firms. Over thirty percent of the total market and eighty percent of the category "all other brands" were purchased at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit. The *Red Book* lists eight other suppliers at or below the proposed limit.

8. *Tetracycline HCl, oral capsule, 500 mg.* The Board proposes a MAC limit of $0.0394 per capsule. At this limit, the HCFA survey shows that the product is available from Smith Kline, the fourth largest ethical drug firm, and from Wyeth and Parke Davis, subsidiaries of the second and tenth largest ethical drug firms. Over thirty percent of the total market and over eighty percent of the category "all other brands" were purchased at or below the proposed limit. Small independent pharmacies have purchased the product at or below the proposed limit. The *Red Book* lists eleven other suppliers at or below the proposed limit.

The FDA advice and the economic data listed above are available for inspection in the Pharmaceutical and Medical Services Reimbursement Branch, Bureau of Program Policy, HCFA and a limited number of copies are available upon written request.

Dated: January 5, 1981.

Peter J. Rodler,

Chairman, Pharmaceutical Reimbursement Board.

[FR Doc. 81-9605 Filed 3-30-81; 8:45 am]
BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Denver Wildlife Research Center, Bldg. 16, Denver Federal Center, Denver, CO 80225.

The applicant requests an amendment to their Marine Mammal Permit PRT 2-4405 to authorize export of salvage specimens of West Indian manatees (*Trichechus manatus*). No animals would be killed or harmed under this authorization.

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 Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–4405. Interested persons may comment on this application on or before April 30, 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: March 25, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81–9661 Filed 3–30–81; 8:45 am]

BILLING CODE 4310–55–M

Heritage Conservation and Recreation 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 Heritage Conservation and Recreation Service before March 20, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 15, 1981.

Carol Shull,

Acting Chief, Registration Branch.

CONNECTICUT

Hartford County

Hartford, *Municipal Building,* 550 Main St.

New Haven County

Meriden, *Curtis Memorial Library,* 175 E. Main St.

Prospect, *Hotchkiss, David, House,* Waterbury Rd.

Tolland County

Rockville, *Old Rockville High School and East School,* School and Park Sts.

INDIANA

Allen County

Fort Wayne, *Swinney, Thomas W., House,* 1424 W. Jefferson St.

KENTUCKY

Lyon County

Eddyville, *Old Eddyville Historic District,* Off KY 730

NEVADA

Carson City (independent city)

Glenbrook, The, 600 N. Carson St.

NEW YORK

Westchester County

Scarsdale, *Wayside Cottage,* 1039 Post Rd.

UTAH

San Juan County

Blanding vicinity, *Butler Wash Archealogical District*

Bluff vicinity, *Sand Island Petroglyh Site*

[FR Doc. 81–9303 Filed 3–30–81; 8:45 am]

BILLING CODE 4310–03–M

Bureau of Land Management

Arizona Announcement of Amended Unit Acreage for Palo Verde-Dever's Special Wilderness Inventory, Phoenix District

The Bureau of Land Management announces amended acreages for Wilderness Study Areas (WSAs) within the Palo Verde-Dever's Special Wilderness Inventory Area.

The Special Inventory began before guidance was produced by the final *Wilderness Inventory Handbook* and Organic Act Directive 78–61, Changes 1, 2 and 3. The criteria in these guidelines have now been applied to the Palo Verde-Dever's Special Inventory.

The amended acreages are:

Inventory unit no.	Previous acres	Final acres	Reasons for change
AZ–020–127...	95,000	91,930	Vehicles access routes which were judged ways have now been confirmed roads. Expanded boundaries in some areas to the edge of physical impacts.
AZ–020–128...	112,000	120,925	A more accurate method was used to calculate acreage. No boundary adjustments were made.
AZ–020–129...	29,680	36,600	Boundaries were extended to the edge of the physical impacts.
AZ–020–135...	5,100	5,500	A more accurate method was used to calculate acreage. No boundary adjustments were made.

The boundary and detailed description of each of the WSAs are on file and available for inspection in the Phoenix District, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017; phone (605) 241–2501.

The decision for each inventory unit is considered independent and separate from the decision for every other inventory unit. These decisions will become effective on April 30, 1981, unless timely protest is submitted to the State Director.

Persons wishing to protest decisions herein must file a written protest with the State Director to be received by, or postmarked no later than, the close of business April 30, 1981.

The protest must specify the specific inventory unit to which it is directed. It must include a clear and concise statement and reason for the protest as well as data supporting the reason.

At the conclusion of the protest period, the State Director will publish in the **Federal Register** a notice of those decisions which are not protested and have become final and those decisions which are under formal protest. The notice will identify those inventory units under protest and will announce that the decision on the units will not become final pending a decision on the protest and any resulting appeal.

The State Director will issue a written decision on any protest which is filed according to above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest. Any person adversely affected by the State Director's decision may appeal such decision under the provision of 43 CFR Part 4.

All WSAs or inventory units under protest or otherwise not formally dropped from further consideration are subject to certain management and use restrictions as identified in the Interim Management Policy published December 12, 1979.

Clair M. Whitlock,

State Director.

March 19, 1981,

[FR Doc. 81–9099 Filed 3–30–81; 8:45 am]

BILLING CODE 4310–84–M

Oregon and Washington; Intensive Wilderness Inventory; Responses to Protests to Final Intensive Inventory Decisions

Final decisions on the intensive wilderness inventory of 266 inventory units in Oregon, 44 units in Washington and one unit in both states were announced in the **Federal Register** on November 14, 1980, pages 75597–75602. A follow-up notice was published in the **Federal Register** on January 29, 1981, page 9789, identifying units and parts of units for which the decisions became effective on January 29, 1981, and units or parts of units for which the decisions

were formally protested to the Oregon State Director. This notice presents our response to those protests.

A. The November 14, 1980, decisions for the following areas were to identify them as wilderness study areas (WSA's). After reviewing information in the letters of protest concerning these areas, and re-evaluating earlier inventory findings, our determination continues to be that the areas are wilderness in character. I, therefore, sustain the November 14, 1980, decisions to identify the following inventory units and subunits as wilderness study areas:

Oregon

Number	Name	Acres
Lakeview District		
1-24	Sand Dunes	15,520
1-101	Abert Rim	22,240
Total		37,760
Burns District		
2-72C	Sheepshead Mountains	54,190
2-72D	Sheepshead Mountains	35,000
2-72F	Sheepshead Mountains	20,330
2-72I	Sheepshead Mountains	38,855
2-72J	Sheepshead Mountains	7,755
2-73A	Winter Range	21,395
2-73H	Winter Range	14,640
2-74F	Alvord Desert Addition	63,080
2-77B	Mahogany Ridge	27,370
2-78D [1]	Red Mountain	2,720
2-78F	Red Mountain	14,730
2-84A	Basque Hills	138,420
2-85F	South Steens	65,940
2-85G	South Steens	35,850
2-85H	South Steens	24,990
2-86E	Blitzen River	52,060
2-86F	Blitzen River	9,380
2-87I	Bridge Creek	14,060
Total		640,765

[1] This subunit is part of a single, larger WSA which also includes Unit NV-020-859 is Nevada and Unit 3-153 in Oregon's Vale District.

Vale District		
3-53	Dry Creek	22,800
3-75	Slocum Creek	7,600
3-77A	Honeycombs	38,200
3-77B	Honeycombs	12,500
3-110	Lower Owyhee Canyon	73,200
3-111	Saddle Butte	87,500
3-120	Clarks Butte	31,500
3-128A	Jordan Craters	28,700
3-153 [2]	Disaster Peak	13,300
Total		315,300

[2] This unit is part of a single, larger WSA which also includes Unit NV-020-859 in Nevada and Subunit 2-78D in Oregon's Burns District.

Prineville District		
5-31A	North Fork	10,745
5-33	South Fork	19,631
5-34	Sand Hollow	8,791
5-35	Gerry Mountain	20,700
Total		59,867
Oregon Total...	33 WSA's	1,053,692

Washington

Number	Name	Acres
Spokane District		
13-2	Chopaka Mountain	5,520

B. The November 14, 1980, decisions for the following areas were to eliminate them from further wilderness review. After reviewing information in the letters of protest concerning these areas, and re-evaluating earlier inventory findings, our determination continues to be that these areas do not possess wilderness characteristics. I, therefore, sustain the November 14, 1980, decisions to eliminated the following inventory units and subunits from further wilderness review:

Oregon

Number	Name	Acres
Lakeview District		
1-9	Bull Lake	32,360
1-12	Lost Forest Adjacent Lands	6,240
1-94	Poker Jim Flat	14,360
1-95	ZX Ranch	21,120
1-114	Warner Lakes	33,680
1-115A	Guano Slough	47,360
1-115B	Guano Slough	59,120
1-117A	Monument Flat	16,240
1-134	Lone Grave Butte	25,440
1-159	Catlow Valley	58,000
Total		313,920
Burns District		
2-19	Silvies River	7,520
2-43A	Wagontire Mountain	9,590
2-43B	Wagontire Mountain	10,600
2-43F	Wagontire Mountain	13,100
2-57	Jackass Creek	19,255
2-61A	Foster Flat	5,660
2-61D	Foster Flat	8,270
2-61E	Foster Flat	15,470
2-61F	Foster Flat	7,350
2-64A	Buzzard Creek	14,140
2-64B	Buzzard Creek	14,570
2-65	Deep Canyon	6,215
2-68	Smokey Hollow	8,225
2-69	Devils Canyon	14,015
2-70	Wilson Butte	9,745
2-71	Goose Egg	15,930
2-72G	Sheepshead Mountains	10,035
2-72H	Sheepshead Mountains	11,410
2-72K	Sheepshead Mountains	2,315
2-72L	Sheepshead Mountains	1,185
2-72M	Sheepshead Mountains	1,190
2-72N	Sheepshead Mountains	5,310
2-75C	Black Point	28,320
2-85I	South Steens	10,030
Total		249,450
Vale District		
3-41A	Keeney Creek	14,740
3-44	Star Mountain	14,360
3-121	Deadman Creek	8,440
Total		37,540
Prineville District		
5-20	Alkali Flat	7,035
Medford District		
11-16	Zane Grey	18,460
Coos Bay District		
12-10A	Pistol River-Myers Creek Rocks.	5
12-12A	Lone Ranch Rocks	4
12-13A	Hamis Island	2
12-14A	Table Rock	1
12-15	Fish Rock	1
Total		13
Oregon Total...	44 decisions to eliminate	628,418

Washington

Number	Name	Acres
Spokane District		
13-1	Juniper	7,806
13-3	Lummi Rocks	8
13-4	Blind Island	2
Washington Total.	3 decisions to eliminate	7,816

C. The November 14, 1980, decision concerning Inventory Unit 3-47, Cedar Mountain, was to identify a wilderness study area of 46,300 acres and to eliminate 10 acres from further wilderness review. After reviewing information in a protest letter and re-evaluating earlier inventory findings, we have revised the earlier decision. My revised decision for Unit 3-47 is to identify a wilderness study area with 33,000 acres and to eliminate 13,310 acres from further wilderness review.

D. The November 14, 1980, decision concerning Inventory Subunit 3-173A, Upper West Little Owyhee, was to identify a wilderness study area of 87,200 acres and to eliminate 1,160 acres from further wilderness review. After reviewing information in a protest letter and re-evaluating earlier inventory findings, we have revised the earlier decision. My revised decision for Subunit 3-173A is to identify a wilderness study area with 66,060 acres and to eliminate 22,300 acres from further wilderness review.,

A number of general protests were received. None of them contained information about the wilderness characteristics of specific inventory units. Therefore, the inventory findings for the affected areas were reviewed to ensure that all inventory procedures had been followed and that the decisions were consistent with the inventory findings. The November 14, 1980, decisions for all areas mentioned in the general protests have been sustained.

Those individuals and organizations who submitted protests which we did not sustain have been notified that they may take an appeal to the Department of the Interior Board of Land Appeals.

Those individuals or organizations who are adversely affected by the change in the decision for portions of Inventory Units 3-47 and 3-173A and who believe the revised decision is not correct may appeal that decision to the Interior Board of Land Appeals, Office of the Secretary of the Department of the Interior, in accordance with the regulations in 43 CFR Part 4, Subpart E. If an appeal is taken, the Notice of Appeal must be filed within 30 days of the date of publication of this notice in

the Oregon State Office, BLM, (not directly with the Board) so that the official record of the decision can be sent to the Board. The address is: State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208. Copies of all appeal documents must also be sent to the Associate Solicitor, Division of Energy and Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.

If the procedures set forth in the regulations are not followed, an appeal is subject to dismissal.

William G. Leavell,

State Director.

[FR Doc. 81-9112 Filed 3-30-81; 8:45 am]

BILLING CODE 4310-84-M

Sustained Yield Unit 13; 10-Year Timber Management Plan; Availability of Final Environmental Impact Statement

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Ukiah District, Bureau of Land Management, Department of the Interior, has prepared a final environmental impact statement for the proposed 10-year timber management program on 48,600 acres of public land.

DATES: A record of decision will be prepared not less than 30 days after the Environmental Protection Agency publishes the availability of the final environmental impact statement in the **Federal Register** (40 CFR 1506.10(b)(2)).

ADDRESSES: A limited number of copies of the draft environmental impact statement (DEIS) and the final environmental impact statement (FEIS) are available from the District Manager, Ukiah District Office, Bureau of Land Management, P.O. Box 940, Ukiah, California 95482. Public reading copies are available for review at the following locations: Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Washington, D.C. 20240, Phone: (202) 343-4151; Bureau of Land Management, California State Office, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825; and Bureau of Land Management, Ukiah District Office, 555 Leslie Street, Ukiah, California 95482. Copies will also be available at Federal depository libraries and many of the community libraries within the boundaries of Sustained Yield Unit 13.

FOR FURTHER INFORMATION CONTACT: Van W. Manning, District Manager, Ukiah District Office, Bureau of Land Management, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482, Phone: (707) 462-3873.

SUPPLEMENTARY INFORMATION: Most of the public lands in SYU 13 lie in a scattered ownership configuration, intermixed with privately owned lands in Mendocino, Humbodt, Sonoma, and Trinity Counties, California. The statement analysis excludes the King Range National Conservation Area (SYU 8).

The changes suggested by public comments on the draft environmental impact statement (DEIS) did not require a major rewrite or additional analysis. Therefore, an abbreviated format is used for the final environmental impact statement (FEIS). The FEIS must be used in conjunction with the DEIS.

The potential environmental effects of six timber management alternatives, including a proposed action, were analyzed. The proposed action would have a 10-year allowable cut of 97 million board feet (MMBF) (Scribner log rule). The five alternatives to the proposed action are:

1. No Action. The no action alternative would essentially be the continuation of past harvest levels and management intensity and would have a 10-year allowable cut of 78 MMBF.

2. Limited Investment. Under the limited investment alternative, timber would be managed on a natural stand basis. Investments would be limited to those associated with harvest and artificial reforestation. The 10-year allowable cut would be 65 MMBF.

3. Accelerated Harvest No. 1. The accelerated harvest No. 1 alternative would have an accelerated allowable cut of 105 MMBF for the 10-year period.

4. Accelerated Harvest No. 2. The accelerated harvest No. 2 alternative would have an accelerated allowable cut of 146 MMBF for the 10-year period.

5. Managed Old-Growth. The managed old-growth alternative would be intensive timber management, similar to the proposal, but would retain 12 trees per acre over two rotations. The 10-year allowable cut would be 85 MMBF.

Dated: March 18, 1981.

James B. Ruch,

State Director.

[FR Doc. 81-9547 Filed 3-30-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado, Utah; Amended Legal Descriptions for Tracts Proposed for Coal Lease Sale

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

This amends the notice which appeared on page 14457 of the Federal Register, Vol. 46, No. 39, on Friday, February 27, 1981. That notice announced the availability of the final EIS for a proposed coal lease sale in the Uinta-Southwestern Utah Coal Region and gave legal descriptions of tracts under consideration.

At its March 4, 1981, meeting in Salt Lake City, the Uinta-Southwestern Utah Regional Coal Team amended the delineation of the Cottonwood tract to include outcroppings. The new legal description for this tract follows.

Final delineation and legal description for the North Horn Mountain tract will be determined and announced following completion of the Geological Survey drilling program, analysis of data and concurrence of the government agencies involved.

Correct legal descriptions for two other tracts listed incorrectly in the previous notice are also listed here.

Cottonwood Tract-U-4978

T. 17 S., R. 7E., SLM, Utah,
Sec. 27, S½NW¼, N½SW¼;
Sec. 28, S½N½, S½;
Sec. 29, S½N½, S½;
Sec.30, Lot 4, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 31, Lot 1, E½;
Sec. 32, All;
Sec. 33, N½, SW¼, W½SE¼;
Sec. 34, NW¼NW¼, S½NW¼;
T. 18 S., R. 7E., SLM, Utah,
Sec. 4, Lots 2-4;
Sec. 5, Lots 1-4, S½NW¼.

Containing 3,347.31 acres Emery County.

Emery North Tract

T. 22 S., R. 6E., SLM, Utah,
Sec. 1, Lots 1, 2, S½NE¼, SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, NE¼, SE¼NW¼, E½SE¼;
Sec. 12, NE¼, S½;
Sec. 13, E½, N½NW¼, SW¼NW¼, N½SE¼NW¼, S½NE¼SW¼, W½SW¼, SE¼SW¼;
Sec. 14, SW¼NW¼, NW¼SW¼, SE¼SW¼, S½SE½;
Sec. 15, NE¼NW¼;
Sec. 22, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 23, NE¼NW¼.

Containing 2,161.00 acres Emery County.

Slaughterhouse Canyon Tract

T. 13 S., R. 7E., SLM, Utah,
Sec. 19, SE¼SE¼;l
Sec. 20, SW¼SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, E½.

Containing 440.00 acres Carbon County.

Dated: March 26, 1981.

Ed Hastey,

Director, Bureau of Land Mangement.

[FR Doc. 81-9708 Filed 3-30-81; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 81-12; 1791 (922)]

Final South Coast Curry Timber Management Environmental Impact Statement; Availability

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental impact statement for the South Coast-Curry EIS area. The proposal involves implementing a 10-year timber management plan on public lands within the Coos Bay District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management; Office of Public Affairs; 18th and C Streets, NW., Washington, D.C 20240
Bureau of Land Management, Office or Public Affairs, 729 N.E. Oregon Street, Portland, OR 97208
Bureau of Land Management, Coos Bay District Office 333 S. Fourth Street, Coos Bay, OR 97420
Oregon State Library, State Library Building, Salem, OR 97310
Oregon State University Library, Government Document Section, Corvallis, OR 97331
Portland State University Library, 724 S.W. Morrison, Portland, Oregon
University of Oregon Library, Government Document Section, Eugene, OR 97403
Lane Community College Library, Eugene, OR 97401
Southern Oregon State College Library Ashland, OR 97520
Southwestern Oregon Community, College Library, Coos Bay OR 97420 Umpqua Community College Library, Roseburg, OR 97420
Bandon Public Library Bandon, OR 97411
Brookings Public Library, Brookings, OR 97415
Coss Bay Public Library, 525 W. Anderson, Coos Bay, OR 97420
Douglas County Library, County Courthouse, Roseburg, OR 97470
Gold Beach Public Library, Colvin St., Gold Beach, OR 97444
North Bend Public Library, 1925 McPherson Ave., North Bend, OR 97459

A limited number of copies are availale upon request from the Bureau of Land Management, Oregon State Office, or the Coos Bay District Office at the about addresses.

Due to the addition of two new alternatives, a 60-day comment period on the FEIS is established. Comments will be accepted by the Coos By District Manager until May 29, 1981.

Dated: March 19, 1981.

William G. Leavell,

State Director.

[FR Doc. 81-9637 Filed 3-30-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: March 26, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Delta Agricultural Co-Op: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations, 12815 South Boulter St., Draper, Utah 84020: Principal Mailing Address (Street No., City, State, and Zip Code); 12815 South Boulter St., Draper, Utah 84020: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code); Delta Ag. Co-Op (Jack P. Kartchner) 12815 South Boulter St., Draper, Utah 84020: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

2. Land O'Lakes, Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations; P.O. Box 116, Minneapolis, MN 55440; Principal Mailing Address (Street No., City, State, and Zip Code); 4001 Lexington Ave. N., Arden Hills, Minnesota 55112: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code); Harold O. Hoelscher, P.O. Box 116, Minneapolis, MN 55440: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

3. Mayflower Farms: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations, 2720 S.E. 6th Ave., Portland, Oregon 97202: Principal Mailing Address (Street No., City, State, and Zip Code), 2720 S.E. 6th Ave., Portland, Oregon 97202: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code); Walter C. Tuthill, P.O. Box 42269, Portland, Oregon 97242: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

4. Miss-Ala Agricultural Distributors, LTD Plymouth Agricultural Transportation Services, Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations., P.O. Box 947, Plymouth, NC 27962: Principal Mailing Address (Street No., City, State, and Zip Code); Plymouth Agricultural Transportation Services, Inc., Highway 64 W. Plymouth, North Carolina 27962: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code); Donald W. Spell, P.O. Box 947, Plymouth, NC 27962: Person to Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

5. Nationwide Distributors, Inc. (A Cooperative Association): Complete Legal Name of Cooperative Association or Federation of Cooperative Associations, 26 Willis St., Framingham, MA 01701: Principal Mailing Address (Street No., City, State, and Zip Code), 26 Willis St., Framingham, MA 01701: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code), Gene S. Bula, Rt. 1, Plainfield, WI: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9612 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave

must comply with Rule 247(k) which requires petitioner to demonstrate that it (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) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those 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. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. OP3–0208

Decided: March 20, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 134064 (Sub-34), filed February 4, 1980, previously published in the FR issues of May 1, 1980 and February 18, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *alcoholic liquors*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of alcoholic liquors (except commodities in bulk, in tank vehicles), (a) between Ft. Smith, AR, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, CO, OK, and TX, (b) between Bardstown and Louisville, KY, on the one hand, and, on the other, points in AR, IL, IN, MI, OH, NY, PA, GA, SC, FL, LA, MS, KS, CO, NE, MN, CT, MA, IA, NJ, MD, DE, and AL, (c) between New Orleans, LA, on the one hand, and, on the other, points in AR, MS, AL, FL, OK, KS, CO, NE, IA, MN, MO, MI, OH, KY, IN, IL, GA, and SC, and (d) between Plainfield, IL, on the one hand, and, on the other, points in MI, MO, IA, NE, KS, CO, OK, AR, LA, and KY, restricted in (a), (b), (c) and (d) above to traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc.

Note.—this republication indicates the correct territorial description in (c) above.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9613 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the

Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR. 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–3024

Decided: March 20, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 117415 (Sub–8), filed March 13, 1981. Applicant: JENSEN TRUCKING CO., INC., P.O. Box 402, American Fork, UT 84003. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111, (801)785–5306. 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–9614 Filed 3–30–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest 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".

Volume No. OP4–062

Decided: March 25, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 108587 (Sub-34), filed February 5, 1981. Applicant: SCHUSTER EXPRESS, INC., 48 Norwich Ave., Colchester, CT 06415. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street NW., Washington, DC 20005. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between State Road, DE, and Norfolk, VA, over U.S. Hwy 13, serving all intermediate points, and off route points in those portions of VA and MD east of the Susquehanna River and the Chesapeake Bay; (2) between Wilmington, DE, and Norfolk, VA: from

Wilmington over Interstate Hwy 95 to Richmond, VA, then over Interstate Hwy 64 to Norfolk, serving all intermediate points, and off route points in MD, VA, and DC; (3) between Harrisburg, PA, and Baltimore, MD, over Interstate Hwy 83, serving all intermediate points, and off route points in MD and PA; (4) between Baltimore, MD, and Roanoke, VA: from Baltimore over Interstate Hwy 70N to junction U.S. Hwy 340, at or near Frederick, MD, then over U.S. Hwy 340 to junction Interstate Hwy 81, at or near Stephens City, VA, then over Interstate Hwy 81 to Roanoke, serving all intermediate points, and off route points in MD and VA; (5) between Washington, DC, and junction Interstate Hwys 66 and 81 near Strasburg, VA: from Washington over U.S. Hwy 50 to junction Interstate Hwy 66, then over Interstate Hwy 66 to junction VA Hwy 55, at or near Gainesville, VA, then over VA Hwy 55 to junction U.S. Hwy 340, at Front Royal, VA, then over U.S. Hwy 340 to junction Interstate Hwy 66, then over Interstate Hwy 66 to junction Interstate Hwy 81 at or near Strasburg, serving all intermediate points, and off route points in VA; (6) between Harrisburg, PA, and Roanoke, VA, over Interstate Hwy 81, serving all intermediate points, and off route points in MD, PA, and VA; (7) between Lancaster and Pittsburgh, PA, over U.S. Hwy 30, serving all intermediate points, and off route points in PA; (8) between Scranton and Pittsburgh, PA: from Scranton over Interstate Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 79, then over Interstate Hwy 79 to junction Interstate Hwy 279, and then over Interstate Hwy 279 to Pittsburgh, serving all intermediate points, and off route points in PA; (9) between Albany, NY and the port of entry on the international boundary line between the U.S. and Canada, at or near Rouses Point, NY, over Interstate Hwy 87, serving all intermediate points, and off route points in NY; and (10) between Syracuse, NY, and the port of entry on the international boundary line between the U.S. and Canada, at or near Ogdensburg, NY: from Syracuse over Interstate Hwy 81 to junction NY Hwy 12, then over NY Hwy 12 to junction NY Hwy 37, then over NY Hwy 37, to the above named port of entry, serving all intermediate points, and off route points in NY.

Note.—Applicant states it intends to tack the authority here with its existing authority, and to interline with other authorized carriers.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9624 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP44-40

Decided: March 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 134477 (Sub-433), filed February 17, 1981, and noticed in the **Federal Register** issue of March 10, 1981, and republished this issue. Applicant: SCHANNO TRANSPORTATION, INC. 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164 (612) 457-9700. Transporting *freezers,* between points in Stearns County, MN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly reflect the territorial description.

MC 144017 (Sub-3), filed February 10, 1981, and previously noticed in the **Federal Register** issue of March 10, 1981. Applicant: GEORGE W. NOFFS MOVING AND STORAGE, INC., 1735 F. Davis St., Arlington Heights, IL 60005. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, DC 20036, (202) 463-6044. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *household goods,* as defined by the Commission, between Chicago, IL and points in Boone, McHenry, Lake, Winnebago, Ogle, Lee, De Kalb, Kane, Du Page, Kendall, Will, Grundy, La Salle, Bureau, Putnam, Marshall, Woodford, Livingston, McLean, Ford, Iroquois, Kankakee, Vermilion and Champaign Counties, IL, points in Kenosha, Racine, Walworth, Milwaukee, Waukesha, Jefferson and Rock Counties, WI, Cass, Van Buren, and Berrien Counties, MI, Warren, Benton, Newton, Jasper, Lake, Porter, La Porte, Starke, Pulaski, White, Carroll, Tippecanoe, Cass, Fulton, Marshall, St.

Joseph, Elkhart and Kosciusko counties, IN, on the one hand, and, on the other, points in TX, MD, CA, AZ, CO, AR, OK, NV, UT, LA, WA, OR, ID, WY, NM, NE, MS and DC.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Volume No. OP44–41

Decided: March 25, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 112107 (Sub-17), filed March 3, 1981. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Ave., Wallington, NJ 07057. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MN 20760, (201) 778–5000. Transporting *general commodities* (except classes A and B explosives), between points in Providence County, RI, on the one hand, and, on the other, points in ME, NH, and VT.

Note.—The applicant intends to tack this authority with its existing regular route.

MC 114457 (Sub-585), filed March 3, 1981. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant), (612) 645–0323. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with FMS, Inc., of Washington, DC.

MC 119917 (Sub-67), filed March 9, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, GA 30316. Representative: W. F. Dudley (same address as applicant). Transporting *chemicals and related products*, between points in Jefferson Parish, LA, on the one hand, and, on the other, Atlanta, GA, and points in Harris County, TX.

MC 123407 (Sub-669), filed March 9, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926–7575. Transporting *metal products*, between points in MN, on the one hand, and, on the other, points in the U.S.

MC 123407 (Sub-671), filed March 16, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926–7575. Transporting *pulp, paper and related products*, between the facilities of Hexagon Honeycomb Corporation, on the one hand, and, on the other, points in the U.S.

MC 124247 (Sub-22), filed March 9, 1981. Applicant: DAN LODESKY TRUCKING, INC., P.O. Box 236, Gurnee, IL 60031. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, MI, and WI.

MC 147147 (Sub-1), filed March 16, 1981. Applicant: RONALD R. CREED, R.R. 1, Bern, KS 66408. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612 (913) 233–9629. Transporting (1) *clay, concrete, glass or stone products*, and (2) *waster or scrap materials* not identified by industry producing, between points in Pawnee and Richardson Counties, NE, on the one hand, and, on the other, points in Washington, Nemaha, Marshall, and Brown Counties, KS.

MC 148647 (Sub-22), filed March 16, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank IL 60459. Representative: Arnold L. Burke, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Harvester Company, of Chicago, IL, and Lithonia Lighting Products, of Conyers, GA.

MC 149497 (Sub-6), filed March 16, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Intertrac America Corporation, of New Berlin, WI.

MC 151707 (Sub-6), filed March 4, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor; Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant), (215) 985–6853. Transporting *food and related products*, between points in the U.S, under continuing contract(s) with Country Home Bakery, Inc., of Bridgeport, CT.

MC 151707 (Sub-7), filed March 4, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant), (215) 985–6853. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Texize, Division of Morton Norwich, of Greenville, SC.

MC 153827 (Sub-1), filed March 10, 1981. Applicant: TRIO-MOTOR TRANSFER, INC., Box 662, Barre, VT 05641. Representative: David M. Marshall; 101 State St., Suite 304; Springfield, MA 01103, (413) 732-1136. Transporting *such commodities* as are dealt in by manufacturers and distributors of stone and stone products, between points in Westchester, Rockland, Dutchess, Greene, Sullivan, Orange, Ulster, Columbia, Rensselaer, Schenectady, Washington, Saratoga, Warren, Putnam, Albany, Amsterdam, Fulton, Schoharie, Herkimer, Franklin, Hamilton, Chenago, Madison, Oneida, St. Lawrence, Clinton and Essex Counties, NY, and points in ME, NH, VT, MA, CT, and RI.

MC 154647, filed March 9, 1981. Applicant: THE LENDEL VINES CO., INC., 103 Henson Dr., Paris, AR 73855. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375–9151. Transporting *food and related products*, between points in Crawford County, AR, on the one hand, and, on the other, points in TX, OK, MO, LA, KS, and TN.

Agatha L. Mergenovich

Secretary.

[FR Doc. 81–9628 Filed 3–30–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted

problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest 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 satisified before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Parker, Chandler and Taylor.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–094

Decided: March 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 154500, filed February 4, 1981. Applicant: GULF-ATLANTIC TRANSPORTATION SYSTEMS, INC., P.O. Drawer 2025, Mobile, AL 36601. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, NE., Atlanta, GA 30326, (404) 262–7855. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–2–023

Decided: March 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor. (Member Taylor not participating.)

MC 110563 (Sub-320), filed January 29, 1981. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: Victor J. Tambascia (same address as applicant), (513) 492–6181. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP5–79

Decided: March 23, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 143059 (Sub-156), filed January 29, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same address as applicant). Transporting *general commodities,* between Hamil, Pocahontas, Grundy Center, Garrison, Audubon, Atlantic, Adair, Stuart, Homestead, Colfax, Pella, Monroe, Carlisle and Bonaparte, IA, Elsmere, Ramah, Seibert and Bethune, CO, Steptoe, WA, Rokeby and Prairie Home, NE, Kelliher, MN, Yarnall, Vega, Soncy and Boydston, TX, Bard and Lesbia, NM, Ethlyn, S. Troy and Jamesport, MO, Ray, Greenfield, Kemper, Mont, Geneseo and Annawan, IL, Tannehill, Lillie, Bernice, Dubach, Ansley, LA, Ruleton, Gem, S. Dodge and Wilroads, KS, Hext, Elk City, Wetherford, Meno, Hitchcock, Ft. Reno and Watonga, OK, and Clay, VA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor service for complete abandonment of rail carrier service.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–9627 Filed 3–30–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], do not compute (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".

Volume No. **OP1–093**

Decided: March 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 150231 (Sub-8), filed January 21, 1981. Applicant: MAVERICK TRANSPORTATION, INC., 1803 E. Broad St., Texarkana, AR 75502. Representative: Lawrence R. Leahy (same address as applicant), (501) 773–7638. Transporting *metal products,* between points in Madison and Stanton Counties, NE, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NM, ND, OH, OK, SD, TN, TX, and WI.

MC 152280, filed February 23, 1981. Applicant: ALASKA RAPID TRANSPORT, INC., 1717 Tidewater Ave., #1, Anchorage, AK 99501. Representative: Julian C. Rice, 330 Wendell St., Fairbanks, AK 99701, (907) 279–9691. Transporting *general commodities* (except classes A and B explosives), (1) between points in AK, and (2) between points in AK, on the one hand, and, on the other, points in WA, OR and CA.

MC 153111, filed December 10, 1990. Applicant: TWC TRUCK LINES, INC., 927 South Mocassin Place, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *metal products* and *machinery,* between points in the U.S., under continuing contract(s) with Wachob Industries, Inc. of Sapulpa, OK.

MC 153611 (Sub-1), filed February 6, 1981. Applicant: H. STANLEY EDINGER, d.b.a. EDINGER TRUCKING, RD #1, Route 80, Tully, NY 13159. Representative: John L. Afano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Camden Wire Co., Inc., and Laribee Wire Mfg. Co., Inc., both of Camden, NY.

Volume No. **OPY–2–024**

Decided March 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor (Member Taylor not participating).

MC 153822 (Sub-2), filed January 12, 1981. Applicant: RICHARD A. JONES, d.b.a. JONES TRUCK LINE, 1206 ½ 3rd Ave., NW, Fort Dodge, IA 50501. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) *such commodities* as are used in the manufacture and canning of pet foods, between points in IL, MO, NE, KS, MN, and WI, on the one hand, and, on the other, points in Webster County, IA; and (2) *food and related products,* between points in Webster County, IA, on the one hand, and, on the other, points in WI, MO, and OH.

Volume No. **OP4–75**

Decided March 23, 1981.

By the Commission, Review Board No. 3, Members Chandler, Eaton and Liberman.

MC 37896 (Sub-40), filed January 29, 1980, and noticed in the Federal Register issue of Februry 26, 1981, and republished this issue. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henry B. Stockinger (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with American Cyanamid Company, its affiliates and its subsidiaries, of Wayne, NJ.

Note.—The purpose of this republication is to include the affiliates and subsidiaries of American Cyanamid Company.

MC 153286 (Sub-1), filed February 4, 1981, previously noticed in the Federal Register issue of February 26, 1981, and republished this issue. Applicant: RICHARD G. CONAWAY, R.D. #1, Box 106, Frenchville, PA 16836. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting (1) *coal and coal products,* and (2) *machinery,* between points in Clearfield and Centre Counties, PA, on the one hand, and, on the other, points in NY.

Note.—The purpose of this republication is to correct the commodity description.

MC 149406 (Sub-6), filed February 6, 1981, previously noticed in the Federal Register issue of March 5, 1981, and republished this issue. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. Transporting *lumber and wood products, metal products,* and *building materials,* between points in CO, IA, ID, IL, IN, MN, MT, NE, ND, OR, SD, WA, WI, and WY.

Note.—The purpose of this republication is to correct the state of SD in lieu of SC.

MC 149406 (Sub-7), filed February 6, 1981, previously noticed in the Federal Register issue of March 5, 1981, and republished this issue. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, 212 S. 8th St., Minneapolis, MN 55402. Transporting *machinery; metal products;* and *lumber and wood products,* between points in Yankton County, SD, on the one hand, and, on the other, points in the U.S. Note: The purpose of this republication is to correctly reflect Yankton County as a point in SD rather than in SC as originally published.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–9628 Filed 3–30–81; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29604]

Auto-Train Corporation—Temporary Exemption Under 49 U.S.C. 10901; Decision-Notice.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce temporarily exempts Auto-Train Corporation (Auto-Train) from the requirement that it receive prior approval under 49 U.S.C. 10901 to transport unaccompanied automobiles in conjunction with Central Florida Coach Line, Inc. (Auto-Bus).

DATE: The exemption is effective at 12:00 a.m. March 28, 1981, and will remain in effect until the Commission decides Auto-Train's pending petition for modification of authority under 49 U.S.C. 10901, unless earlier revoked. Petitions for reconsideration of this exemption must be filed within 20 days of the date of this publication.

ADDRESSES: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th St. and Constitution Ave., NW., Washington, D.C. 20423, and

Petitioner's representative: Murray Drabkin, 1801 K St., NW., Washington, D.C. 20026

Pleadings should refer to Finance docket 29604.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson, (202) 275–7245.

SUPPLEMENTARY INFORMATION: We are granting a temporary exemption to allow Auto-Train to continue service in conjunction with Auto-Bus. This service was initially allowed pursuant to Service Order No. 1374, *Auto-Train Authorized to Transport Automobiles Between Alexandria (Lorton), Virginia and Sanford, Florida,* issued April 12, 1979, as amended May 14, 1979 and January 9, 1981. Service Order No. 1374

was issued at Auto-Train's request and in anticipation of its petition of May 21, 1979, seeking to modify its existing certificate to allow the service permanently.[1] Because Service Order No. 1374 is due to expire on March 27, 1981, and we will not have decided the May 21 petition by that time, a temporary exemption is necessary to avoid a disruption in rail service until we can decide the petition.

Background

Auto-Train holds authority to transport (1) automobiles and their passengers between Alexandria, VA and Sanford, FL, and (2) unaccompanied automobiles between Alexandria and Sanford when an airline is simultaneously transporting, under joint-booking, the owners or drivers between substantially the same locales. In its petition of May 21, 1979, Auto-Train requested modification of its certificate to permit the transportation of unaccompanied automobiles tendered to it by Auto-Bus, when Auto-Bus is simultaneously transporting the owners or drivers of the automobiles between Florida and northern points.

Auto-Bus holds authority to transport passengers by bus and automobiles by automobile transporters, between northern points (including its terminals at Hazleton, PA and Fredericksburg, VA) and Florida points (including its terminal at Cocoa Beach). Auto-Bus wants to be able to use Auto-Train to Transport its patron's automobiles between Alexandria and Sanford, when it is tendered more automobiles than it can handle.

From April 12, 1979 through December, 1979, Auto-Train transported under temporary authority, 1,414 automobiles for Auto-Bus patrons. By agreement dated May 10, 1979, Auto-Train has agreed to hold space until 30 days before departure, for at least 18 automobiles tendered by Auto-Bus. Auto-Bus has agreed to use only Auto-Train as a substitute carrier on movements between Alexandria and Sanford and to tender it at least 15 automobiles per month.

On November 29, 1979, in Finance Docket No. 26482, we decided that evidence on Auto-Train's petition for modification should be gathered through written verified statements. Auto-Bus and Auto-Train each filed verified statements on January 21, 1980. Autolog Corporation, a motor common carrier, field a verified statement in opposition on February 20, 1980. No other party opposes the petition. Auto-Train filed rebuttal on April 2, 1980.

On September 8, 1980, Auto-Train filed a petition in Bankruptcy. By letter-petition filed February 2, 1981, Auto-Train's Trustee requests an immediate decision on Auto-Train's petition for modification, in order to assure its customers continued service after Service Order No. 1374 expires.

Discussion and Conclusions

Because Auto-Train's financial and corporate position has drastically changed since evidence was filed in Finance Docket No. 26482, we must obtain new evidence before we can decide the petition for modification of Auto-Train's certificate. This evidence shall be obtained through supplemental written verified statements. A schedule for submission of these statements shall be issued shortly in a separate decision. Therefore, we will not be able to decide Auto-Train's request for permanent authority by the time the current Service Order expires.

We also cannot extend Service Order No. 1374. The Staggers Rail Act of 1980 (Pub. L. No. 96-448, October 14, 1980) limits our authority to issue service orders under 49 U.S.C. 11123(a) to emergency situations of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States. Auto-Train's proposed operation would fail to meet the new criteria for issuance of an emergency service order; its current Service Order must therefore expire as scheduled on March 31, 1981.

The evidence in both the Service Order request and the petition for modification indicates that there is a significant public need for Auto-Train's continued operations. Termination of its service may substantially impair the future usefulness of Auto-Train's authority and its service to the public.[2] In addition, the evidence indicates that the service proposal would enhance the inherent advantages of both Auto-Train's and Auto-Bus' operations. Auto-Bus claims it is better equipped to transport passengers by bus than to transport automobiles by automobile transporters. It also states that transporting its patrons' automobiles by Auto-Train, rather than by its own vehicles, is more fuel-efficient and economical and does not inconvenience users. Auto-Bus' operations will be enhanced, and the public better served, if it has flexibility to tender excess automobiles to Auto-Train. On the other hand, Auto-Train is better equipped to transport automobiles on its trains than passengers. It now uses about 73 percent of its capacity for transporting automobiles, and could handle the additional traffic with ease. The proposed arrangement will provide Auto-Train an additional source of income at minimal additional cost and without prejudicing its existing operations.

While we lack sufficient evidence to decide whether Auto-Train's petition for permanent expanded authority should be granted, we have sufficient evidence to conclude that there is a need for its continued temporary service until we can resolve that issue.

Since we cannot extend Service Order No. 1374, the only way service may be continued is through issuance of a temporary exemption under 49 U.S.C. 10505. That section, as modified by section 213 of the Staggers Rail Act of 1980, provides that the Commission "shall" exempt a transaction from the application of any provision of the Interstate Commerce Act when it finds that (1) continued regulation is not necessary to carry out the rail transportation policy in 49 U.S.C. 10101a, and (2) either the transaction is of limited scope or regulation is not necessary to protect shippers from the abuse of market power. We can issue the exemption on our own initiative. 49 U.S.C. 10505(b).

We believe Auto-Train's service proposal satisfies the criteria of 49 U.S.C. 10505. Exempting Auto-Train from the requirements of 49 U.S.C. 10901 for a short time period will merely continue service to the public until we can consider Auto-Train's request for permanent authority to provide such service. Our approval prior to Auto-Train's operation is not necessary to carry out the objectives listed in the rail transportation policy of section 10101a. The service proposal will not eliminate "effective competition" between Auto Train and Auto-Bus. Rather, it will provide users of Auto-Bus' service an alternative mode of transporting their vehicles when Auto-Bus is unable to do so.

Our exempting the proposal will facilitate at least three of the policy objectives of section 10101a: (1) minimizing the need for regulatory control and rendering expeditious decisions when regulation is necessary; (2) ensuring effective competition and coordination between rail carriers and other modes; and (3) encouraging and promoting energy conservation. See 49

[1] Finance Docket No. 26482, *Auto Train Corporation, Operation, Rail Passenger and Automobile Transport Service Between Alexandria, Va and Sanford, FL.*

[2] Additionally, the Trustee's letter of February 2, 1981 indicates that continued transportation of automobiles for Auto-Bus passengers is a critical component of Auto-Train's overall service program.

U.S.C. 10101a(2), (5), and (15). The arrangement provides for a complementary handling of excess passengers and automobiles. Without such an arrangement, users might have to drive independently over great distances.

Additionally, the transaction is of limited scope. Our exemption is limited in time to the period necessary to decide the petition for modification. While the service proposal will provide Auto-Train with additional income of $1,500 to $3,000 a month, this amount is not large enough to significantly improve Auto-Train's financial difficulties or its ability to compete with other carriers. In fact, because Auto-Train will continue transporting only those automobiles tendered by Auto-Bus, the arrangement should have no effect on other carriers. The fact that only one carrier has opposed Auto-Train's request for permanent authority supports this conclusion. The sole protesting motor carrier has not shown us that it would potentially transport any of the traffic Auto-Bus will tender to Auto-Train.

Having concluded that the proposal is of limited scope, we need not determine whether our prior approval of the operation is necessary to protect shippers from the abuse of market power. We note, however, that Auto-Bus' substitution of Auto-Train's service will be with its customers' knowledge and consent. We believe, moreover, that becaue the exemption will provide the public an alternative and more economical means of moving their automobiles, the public can only benefit from our action here.

In light of these findings we will temporarily exempt this transaction. To avoid a disruption in service this exemption will become effective on April 1, 1981, and continue until we issue a decision on Auto-Train's pending petition for modification of its operating certificate.

Our granting this exemption is not meant to prejudge our ultimate decision on whether to grant the requested modified certificate. It does not resolve the financial and operational fitness issues concerning Auto-Train, or that the proposed arrangement involves the pooling of traffic and joint rates and may be a pooling agreement under 49 U.S.C. 11342. We have merely determined that these issues are unlikely to caue harm to the public during the limited duration of this exemption, while our failure to grant the exemption and the resultant loss of service is likely to cause harm to the public.

Section 10505 enables us to revoke an exemption if we find the exempted provisions necessary to carry out the rail transportation policy. We will permit interested parties to file petitions for reconsideration alleging that granting the exemption harms our ability to carry out the rail transportation policy.

Labor protection. In granting this exemption we may not relieve a carrier of its obligation to protect the interests of its employees. See 49 U.S.C. 10505(g)(2). However, amended section 10901(e) indicates that the imposition of labor protective conditions is discretionary when authority is sought, as here, to operate over a rail line. Since no obligation exists, Auto-Train has not been relieved of any obligation by this temporary exemption. Furthermore, since the arrangement will simply enable Auto-Train to continue transporting Auto-Bus' excess automobile traffic for a limited time period, it will not adveresely affect Auto-Train's employees. If anything, it is likely to indirectly benefit Auto-Train's employees by providing additional traffic and revenues. Therefore, employee protective provisions are not necessary to protect the involved railroad employees and will not be imposed here.

We Find

(1) The application of the requirements of 49 U.S.C. 10901 that Auto-Train receive prior authority to provide service in conjunction with Auto-Bus as described is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a.

(2) This transaction is of limited scope.

(3) This decision will not operate to relieve Auto-Train from an obligation to provide contractual terms for liability and claims which are consistent with 49 U.S.C. §11707, or to protect the interests of its employees.

(4) This decision will not significantly affect either energy consumption or the quality of the human environment.

It is ordered: (1) Pursuant to 49 U.S.C. 10505 we exmpt from 49 U.S.C. 10901 the operation by Auto-Train of the service to be provided in conjunction with Auto-Bus described above.

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register for publication.

(3) This decision shall be effective at 12:00 a.m. March 28, 1981.

(4) This exemption will continue in effect until or unless (1) revoked or (2) we issue a decision under 49 U.S.C. 10901(c) granting or denying Auto-Train's petition for authority to modify its service.

(5) Petitions to reopen this proceeding for reconsideration must be filed no later than 20 days following the date of publication in the Federal Register.

Dated: March 25, 1981.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9671 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29509]

Knox & Kane Railroad Co.—Gettysburg Railroad Co.—Petition for Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10901, 11343 and 11301

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of its prior review and approval: (1) under 49 U.S.C. § 10901, the acquisition by Knox & Kane Railroad Co. (Knox), a noncarrier, of 79 miles of track of the Pittsburgh and Western Railroad Company and the Baltimore and Ohio Railroad Company (collectively B&O) between Knox and Mt. Jewett, PA; (2) under 49 U.S.C. § 10901, the construction of a 950-foot connection at Shippersville, PA with Consolidated Rail Corporation (Conrail); (3) under 49 U.S.C. § 11343, the common control by two individuals of Knox and Gettysburg Railroad Co. (Gettysburg); and (4) under 49 U.S.C. § 11301, the issuance by Knox of up to $1 million in securities to finance the transactions.

DATES: These exemptions will be effective 30 days from the date of publication in the Federal Register. Petitions for reconsideration of this action must filed within 20 days after this publication.

ADDRESSES: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th and Constitution Avenue, N.W., Washington, D.C 20423, and

(2) Petitioners' representatives: Daniel J. Sweeney, Steven J. Kalish, 1750 Pennsylvania Avenue, N.W., Washington, D.C 20006.

All pleadings should refer to Finance Docket No. 29509.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Knox and Gettysburg filed a joint petition on October 24, 1980, requesting that we use

our authority under 49 U.S.C. § 10505 to exempt certain transactions from the provisions of 49 U.S.C. §§ 10901, 11343, and 11301.

Exemption Request

Gettysburg is a rail carrier operating 23.4 miles of track between Gettysburg and Mount Holly Springs, PA, having gross revenues of approximately $727,000 in 1979. It is wholly owned by two individuals, Sloan Cornell and his wife, Clara Cornell.

Knox is a Pennsylvania corporation not presently conducting any railroad business, and is also wholly-owned by Sloan and Clara Cornell. Both Gettysburg and Knox have the same officers (Sloan Cornell, President; O.L. Anderson, Vice President; and Clara Cornell, Treasurer & Secretary).

Knox has signed a letter of intent with B&O to purchase, subject to the Commission approval, approximately 79 miles of track between Knox and Mt. Jewett, PA for $600,000. That track has been listed in Category 1 of B&O's System Diagram Map (evidencing an intent to seek abandonment of the line within 3 years). See 49 C.F.R. 1121.20.

The consideration for the sale of the properties will be $600,000. Of that amount $30,000 is to be paid upon the signing of the formal agreement; the remaining $570,000 is to be held by B&O at 8 percent interest (and is refundable to Knox, with interest, in the event the Commission does not approve the transaction, or the B&O and Knox decline to consummate the transaction). The major movements over the line are coal shipments which originate on the line and terminate at Lake Erie.

Knox has also reached a tentative agreement with Conrail to construct, subject to Commission approval, a short (950 feet) connection at Shippenville, PA, between Conrail's track and the track to be purchased by Knox.

To finance the transaction, Knox plans to issue up to $1 million in debt and equity securities. The proceeds from the sale will, among other things, be used to pay for the purchase of the track from B&O and for the construction of the connection to Conrail's track. At least 51 percent of the stock issued by Knox will be sold to Sloan and Clara Cornell. All debt securities will be issued to these two individuals.

The Statute

The acquisition by a noncarrier of a line of railroad and the construction of a rail line require Commission approval under 49 U.S.C. § 10901.[1] To obtain compliance with the procedures set forth at 49 CFR Part 1120 (1979). The issuance of securities by a corporation organized to provide rail transportation requires our approval under 49 U.S.C. § 11301. The acquisition of control of a rail carrier by persons controlling one or more other rail carriers requires our approval under 49 U.S.C. § 11343, in accordance with regulations contained in 49 CFR Part 1111 (1979) (*Consolidation Procedures*). (See also *Railroad Consolidation Procedures*, 363 I.C.C. 200 (1980)).

Section 10505 (amended by section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96-448, October 14, 1980) allows the Commission to exempt a transaction if it finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101a; and (2) either the transaction is limited in scope, or regulation is not needed to protect shippers from the abuse of market power.

Discussion and Conclusions

Rail Transportation Policy

The proposed transactions will have no impact on interstate commerce or the national rail industry. They are purely local transactions that will have no effect on the existing competitive situation, since the line owned by Gettysburg and the short line to be purchased by Knox do not connect and are not parallel. Our prior approval of the transactions is not necessary to carry out the goals of the rail transportation policy outlined in section 10101a. Indeed, or exempting the transactions will facilitate at least one of the policy objectives of section 10101a—to minimize the need for regulatory control and to require expeditious decisions when regulation is necessary. The transactions moreover will significantly benefit all the involved parties. The track to be purchased is listed for abandonment by B&O because it has not found the line profitable. By contrast, Knox anticipates a profitable operation because of significantly improved routing capabilities made possible by the connection to be built.

Limited Scope and Abuse of Market Power

Petitioners must also demonstrate that their proposal is either of limited scope or that regulation is not necessary to protect shippers from the abuse of market power. The proposed transactions satisfy both of these criteria.

The proposal involves two small railroads and a limited geographic area. Gettysburg is a Class III common carrier by railroad which operates a 23.4 mile line. The B&O track (which has been designated for abandonment) to be purchased by Knox is 79 miles long and does not connect with the Gettysburg line. Both Knox and Gettysburg are owned by the same individuals and the request for approval of common control is pertinent only to them. The proposed acquisition, construction, and common control between the two railroads will not cause a change in the competitive balance with carriers besides Knox and Gettysburg or result in a significant change in rail operations or the level of existing service. Nor will there be an adverse effect on energy consumption or on the environment. For these reasons, we conclude that the proposal is of limited scope.

We also conclude that our regulation of the proposed transactions is not necessary to protect shippers from the abuse of market power. The proposed acquisition will enable shippers along the involved B&O line to retain service. The proposed construction of a connecting line to Conrail's track will result in improved service for coal shippers along the B&O line since it will provide them with a much more direct and cost-efficient routing (to Lake Erie) than is now available under B&O's routing.[2] The proceeds from the proposed securities issuance will be used mainly to finance the proposed acquisition and construction of the Conrail connection. There is no indication that the shipping public will be harmed in any way by our exempting the securities issuance from the application requirements of 49 U.S.C. § 11301.

Labor Protection

In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as otherwise required by 49 U.S.C. Subtitle IV. See 49 U.S.C. § 10505(g)(2). We have determined that the employee protective provisions developed in *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements of 49 U.S.C. § 11347 for protection of employees involved in rail transactions for which approval is

[1] See *Prairie Trunk Railway—Acquisition and Operation*, 348 I.C.C. 832, 850-851 (1977).

[2] The proposed construction of the connection with the Conrail track may also qualify for exemption under 49 U.S.C. § 10907(b). That section exempts from the Commission's jurisdiction the construction, acquisition and operation of spur, industrial, team, switching, or side tracks if (as here) the track is to be located entirely in one State. However, since we have already determined that the proposed connecting line meets the exemption criteria of 49 U.S.C. § 10505, we need not determine whether it falls within section 10907(b).

sought under 49 U.S.C. § 11343, *et seq.* (except trackage rights and lease situations). Accordingly, these employee protective provisions will be imposed here as a condition to exemption of the common control transaction.

We find no need, however, to require employee protection as a condition to exempting the proposed acquisition and construction transactions. The imposition of labor protection in situations governed by 49 U.S.C. § 10901 is discretionary. (See 49 U.S.C. § 10901(e) as amended by the Staggers Act). In the past, we have not found it necessary to impose employee protective conditions in most section 10901 transactions, and there is nothing in the petition to indicate a need for imposing such conditions here. The exemption of the proposed acquisition and construction transactions from the requirements of section 10901, therefore, will not be subject to any employee protective provisions. We are willing, however, to reconsider our position in light of any comments which we receive on this matter.

We Find

(1) The application of the requirements of 49 U.S.C. § 10901, § 11343, and § 11301 to the transactions described above are not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101a.

(2) Regulation of the transactions described is not necessary to protect shippers from the abuse of market power.

(3) The transactions described are of limited scope.

(4) This decision will not relieve any rail carrier from an obligation either (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. § 11707 or (b) to protect the interest of employees as required by 49 U.S.C., Subtitle IV.

(5) This action will not significantly affect either energy consumption or the quality of the human environment.

It is ordered: (1) Pursuant to 49 U.S.C. 10505, we exempt:

(A) the acquisition by Knox of a 79-mile segment of B&O between Knox and Mt. Jewett, PA, and the construction of a 950-feet connecting track at Shippenville, PA, between the acquired track and Conrail's line, from the requirements of 49 U.S.C. § 10901;

(B) the approval of common control between Knox and Gettysburg from the requirements of 49 U.S.C. § 11343, subject to the conditions for the protection of railroad employees set forth in *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979); and

(C) the issuance by Knox of maximum of $1 million in securities from the requirements of 49 U.S.C. § 11301.

(2) If these transactions are consummated, Knox, Gettysburg, and B&O shall, within 60 days of consummation, submit 3 copies of a sworn statement showing all journal entries required to record the transaction.

(3) Notice of our action here shall be given to the general public by delivery of the copy of this decision to the Director, **Federal Register** for publication.

(4) This exemption will continue in effect for one year from the effective date of this decision. The parties must consummate these transactions during that time in order to take advantage of the exemptions we have granted.

(5) This decision shall be effective 30 days from its date of publication in the **Federal Register.**

(6) Petitions to stay the effective date of this decision must be filed no later than 10 days following the date of publication in the **Federal Register.**

(7) Petitions to reopen this proceeding must be filed no later than 20 days following the date of publication in the **Federal Register.**

Dated: March 18, 1981.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9670 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29596]

Oregon Electric Railway Company—Merger—Oregon Trunk Railway; Notice of Exemption

March 25, 1981.

On March 2, 1981, the Oregon Trunk Railway (OT) and Oregon Electric Railway Company (OE) jointly filed a notice of exemption of the proposed merger of OT into OE, under 49 CFR 1111.5(c)(3), as amended by *Railroad Consolidation Procedures*, 363 I.C.C. 200, 224 and 226 (1980), 45 FR 6299 (September 23, 1980).

OT and OE are wholly owned non-operating subsidiaries of Burlington Northern, Inc. (BN). NB operates the 152.02 miles of OT's line between Wishram, WA and Bend, OR as well as the 199.84 miles of OE's line between Portland and Eugene, OR with branch lines to Sweet Home, OR and Forrest Grove, OR.

The proposed merger is intended to simplify the BN corporate structure. It will involve no changes in operations and will have no impact on shippers or rail service. The merger benefits are limited to administrative and incidental savings resulting from corporate simplification, the elimination of separate record keeping, intercompany billing and accounting, and the administrative burden of maintaining the separate corporate existence of OT. However, because all OT and OE functions are presently performed by BN personnel, no savings due to the elimination of employees or duplicate officers will be involved.

This is a transaction within a corporate family which is exempt because it does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family (49 CFR 1111.5(c)(3)).

Under 49 U.S.C. § 10505, as amended by section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96-448 (1980), the Commission cannot exempt a transaction if it will relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. The Commission has determined that the employee protective provisions in *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements for the protection of employees involved in merger transactions. Failure to provide this level of employee protection may be grounds to revoke the exemption.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9669 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 49]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 25, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to

conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal satutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 8973 (Sub-80)X, filed March 9, 1981. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Avenue, Fairview, NJ 07022. Representative: Morton E. Kiel Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 27, 29, 31, 34G, 35, 37, 38, 39, 40, 42G, 44G, 45, 46, 47, 48F, 50F, 51F, 52F, 54F, 55F, 57F, 58F, 62, 64, 65F, 66F, 68F, 69F, 70F, 71F, 72F, 73F, 74, and 75F, to (A) broaden the commodity descriptions to (1) "lumber and wood products" from (a) cord wood and lumber, in the lead certificate, (b) composition boards, in Sub-Nos. 12, 13, 14, 22 and 34G, (c) battery boxes, in Sub-No. 51, fibre board and wall board in Sub-No. 10, (2) "waste or scrap materials" from (a) scrap film, in the lead certificate, (b) scrap rubber, in Sub-No. 40, and (c) scrap, in Sub-No. 47; (3) "farm products" from nursery products, in the lead certificate; (4) "ores and minerals" from top soil, in the lead certificate; (5) "clay, concrete, glass or stone" from (a) gypsum and gypsum products, in Sub-Nos. 6, 8, 12, 14, 22, 34, 37, and 38, (b) brick, in Sub-No. 27, (c) concrete cinder and slag products, in Sub-No. 29, and (d) battery jars, in Sub-No. 51F; (6) "rubber and plastic products" from (a) urethane foam, urethane and urethane products, in Sub-Nos. 6, 12, 14, 22 and 34G, (b) crude rubber, in Sub-Nos. 9 and 40, (c) plastic articles, in Sub-Nos. 15, 34G, 45, 46, 52F, 57F, and 64, (d) plastic pellets and plastic hose, in Sub-No. 35, (e) expanded plastic products, in Sub-No. 48, (f) plastic products, in Sub-No. 55F, (g) rubber, in Sub-No. 57F, (h) plastic and plastic materials, in Sub-No. 58F, (i) battery covers, in Sub-No. 51F, and (j) plastic bags and film, in Sub-No. 72F; (7) "forest products" from balata gum, in Sub-Nos. 9 and 40; (8) "building materials" from (a) insulating materials, in Sub-Nos. 12, 14, 22, and 34G, (b) roofing and roofing materials, in Sub-No. 22; (9) "chemicals and related products" from (a) calcium carbide, in Sub-No. 11, (b) resins, in Sub-Nos. 40 and 52F, (c) chemicals, in Sub-Nos. 52F, 54F, 55F, 62, and 65F; (10) "petroleum, natural gas and their products" from asphalt and composition roofing products, in Sub-Nos. 12, 14 and 34G; (11) "metal products" from (a) aluminum sheet, in Sub-Nos. 31 and 42G, (b) aluminum articles and products, in Sub-Nos. 46 and 52F, (c) aluminum ingots, sheet metal, plate and industrial foil, in Sub-No. 47, and (d) wire and cable, in Sub-Nos. 50F and 52F; (12) "such commodities as are sold in hardware stores" from hardware, in Sub-Nos. 15 and 34G; (13) "leather and leather products" from sole crepe, in Sub-No. 40; (14) "building materials and such commodities as are sold in hardware stores" from such aluminum sheet as is building materials, and such aluminum sheet as is hardware, in Sub-No. 42G; (15) "materials, equipment and supplies used in the manufacture and sale of rubber and plastic products" from materials, equipment and supplies used in the manufacture and sale of plastic articles, in Sub-No. 44; (16) "commodities used in the manufacture and sale of rubber and plastic products" from plastic articles and hardware used in the manufacture and sale of plastic articles, in Sub-No. 44; (17) "coal and coal products" from coal tar products, in Sub-Nos. 52F and 62; (18) "chemicals and related products, and coal and coal tar products" from such building materials, etc., as are chemicals or coal tar products, and such asphalt, etc., as are chemicals or coal tar products, in Sub-No. 52F; and (19) "machinery" from batteries and accessories, in Sub-No. 73F; (B) eliminate the restriction prohibiting the transportation of Mercer commodities, in Sub-No. 54F; (C) broaden the commodity description to "general commodities (except classes A and B explosives)" from general commodities (a) with the usual exceptions, in Sub-Nos. 11, 21, 62, 66F, 68F, 70F and 71F, and (b) except those injurious or contaminating to other lading, in Sub-No. 11; (D) eliminate the restriction prohibiting the transportation of commodities, (a) in bulk, in Sub-Nos. 6, 8, 9, 10, 12, 13, 14, 15, 29, 34G, 37, 38, 39, 40, 44G, 46, 48G, 51F, 52F, 55F, 57F, 58F, 64F, 65F and 74, (b) in tank vehicles, in Sub-Nos. 6, 8, 35, 45, and 62, (c) liquid, in bulk, in Sub-Nos. 35 and 45, (d) in containers, in Sub-Nos. 52F, 62 and 69F, (e) in tank or hopper containers, in Sub-No. 54F, (f) requiring special equipment, in Sub-Nos. 34G and 44G, and (g) household goods, in Sub-No. 34G; (E) eliminate the restriction limiting the transportation of traffic to that (a) having a prior movement by water, in Sub-Nos. 9, 40 and 52F, and (b) moving in mixed loads, in Sub-Nos. 14 and 35; (F) remove the restriction prohibiting service to AK and HI, in Sub-Nos, 46, 50F, 51F, 52F, 54F, 55F, 57F, 64, 65F, 68F, 70F, 71F, 72F, 73F, and 75F; (G) eliminate the restriction limiting the transportation of traffic originating at and/or destined to named points, in Sub-Nos. 37, 38, 39, 40 and 51F; (H) remove the plantsite restrictions, in Sub-Nos. 12, 14, 15, 22, 29, 31, 37, 38, 40, 42G, 44G, 45, 46, 47, 48F, 55F, 58F, 64, and 71F; and (I) authorize county-wide authority in lieu of existing plantsite or city-wide service: (a) Bergen County, NJ for Wood Ridge, NJ, in the lead certificate; (b) Essex, Hudson and Sussex Counties, NJ for Port Newark, Jersey City and Sparta, NJ, in Sub-No. 9; (c) Broome County, NY for Deposit, NY, in Sub-Nos. 10 and 14; (d) Union County, NJ for Hillside, NJ, and Westchester County, NY for Tarrytown, NY, in Sub-No. 11; (e) Middlesex County, NJ for Garteret, NJ and Luzerne and Northumberland Counties, PA for Pittston and Sunburry, PA, in Sub-No. 14; (f) Midlesex County, NJ for Woodbridge, NJ, in Sub-Nos. 15, 31, and 46; (g) Coles County, IL for Charleston, IL, in Sub-No. 22; (h) Orange County, VA for Gordensville and Somerset, VA, in Sub-No. 27; (i) Hudson County, NJ for South Kearney, NJ, in Sub-No. 31; (j) Bergen County, NJ for Ridgefield, NJ, in Sub-Nos. 35 and 45; (k) Burlington County, NJ for Burlington, NJ, in Sub-Nos. 37 and 39; (1) Rockingham County, NH for Portsmouth, NH and Erie County, NY for Clarence Center, NY, in Sub-Nos. 38 and 39; (m) Montgomery County, PA for Hatfield, PA, in Sub-Nos. 9 and 40; (n) Oswego County, NY for Oswego, NY, Trumbull County, OH for Warren, OH, and Marion County, WV for Fairmont, WV, in Sub-Nos. 31, 42G and 47; (o) Washoe County, NV for Sparks, NV, in Sub-No. 45; (p) Lawrence County, OH for Hanging Rock, OH, in Sub-No. 48F; (q) Union County, NJ for Hillside, NJ, in Sub-No. 50F; (r) Mercer and Union Counties, NJ for Trenton, Cranford and Clark, NJ, in Sub-No. 51F; (s) Blue Earth County, MN for Mankato, MN, Licking County, OH for Newark, OH, Worcester County, MA for Clinton, MA, Grundy, Peoria and Bartlett Counties, IL for Morris, Mapleton and Streamwood, IL, in Sub-No. 55F; and (j) expand one-way

authority to authorize radial service between specified cities or counties in numerous eastern and central States and various combinations of points throughout the U.S., and points in the U.S., in the lead and Sub-Nos. 6, 8, 9, 10, 11, 12, 13, 14, 22, 27, 29, 31, 34G, 37, 38, 39, 40, 42G, 44G, 46, 48F, 50F, 51F and 52F.

MC 32882 (Sub-161)X, filed March 16, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lester, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-Nos. 79, 105F, 111F, and 142F certificates to (1) broaden its commodity descriptions in each of the above sub-numbers, from several commodities such as insulation and insulated panels and boards, roofing panels, and equipment materials, and supplies used in the installation thereof (except commodities in bulk), treated wood poles, and prefabricated log structures, to "building materials"; (2) replace its facilities and cities with county-wide and city-wide authority (a) in Sub-No. 105F, facilities at or near Chicago, IL, Atlanta, GA, Dallas, TX, Salt Lake City, UT, and DC, with Chicago, IL, Atlanta, GA, Dallas County, TX, Salt Lake County, UT, and DC, (b) in Sub-No. 111F, facilities at or near Boise, ID, with Ada County, ID, and (c) in Sub-No. 142F, Phoenix, AZ, Corona and Woodland, CA, Greely, CO, Americus, GA, Fruitland, ID, Bristol, IN, Saline, KS, Vicksburg, MS, Lakeview and Newburg, OR, and Mansfield, TX, with Maricopa County, AZ, Riverside and Yolo Counties, CA, Weld County, CO, Sumter County, GA, Payette County, ID, Elkhart County, IN, Saline County, KS, Warren County, MS, Lake and Yamhill Counties, OR, and Tarrant County, TX; (3) change its one-way authority to radial authority (a) in Sub-No. 79, between Tacoma, WA, and points in Salt Lake and Davis Counties, UT, and points in AZ, CA, CO, ID, MT, NM, OK, TX, and WY, (b) in Sub-No. 105F, between the above named cities and counties in IL, GA, TX, UT, and DC, and points in the U.S. and (c) in Sub-No. 111F, between Ada County, ID, and points in CO, MT, NE, ND, SD, and WY; (4) in each sub-number, eliminate the originating at and destined to restrictions; and (5) in Sub-Nos. 105F and 142F, remove the AK and HI exceptions.

MC 56244 (Sub-112)X, filed March 18, 1981. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. 2, Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 64F, 71F, 79F, 90F, and 98F certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)" in its lead; (2) remove the "originating at and/or destined to" restrictions in Sub-Nos. 64, 71, 79 and 90; (3) expand the territorial description to authorize county-wide service for city-wide service, or in place of plantsite restrictions: in Sub-No. 64, Coles County for Mattoon, IL; in Sub-Nos. 71 and 90, Franklin County for Columbus, OH; in Sub-No. 79, Macon County for Decatur, IL; in Sub-No. 98, Marion County for Indianapolis, IN; (4) remove restrictions against the transportation of commodities in bulk in Sub-Nos. 64, 71, 79 and 98; (5) replace one-way authority with radial service between the counties named above and points in NY, NJ, PA, MD, DE, VA, WV, IN, DC, in Sub-Nos. 71, 79, 90, and 98.

MC 56270 (Sub-54)X, filed March 18, 1981. Applicant: LEICHT TRANSFER & STORAGE CO., 1401 State St., P.O. Box 2385, Green Bay, WI 54306. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-No. 42F certificate to (1) broaden the commodity description to "pulp, paper, and related products" from such commodities as are used by manufacturer or distributor of paper and paper products, and (2) broaden the territorial description to authorize service radially between points in MI, PA, TX, LA, OH, SC, NJ, GA, KY, MO, and TN, and Appleton, WI.

MC 69850 (Sub-1)X, filed March 17, 1981. Applicant: TWIGG TRANSFER, INC., 174 Ridgeway Drive, Bridgeport, WV 26330. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead certificate acquired pursuant to MC–F–76206, to (1) delete all exceptions to its general commodities authority, except classes A and B explosives and (2) replace city authority with county-wide authority: Harrison County, WV for Clarksburg, WV.

MC 107757 (Sub-35)X, filed March 18, 1981. Applicant: M. C. SLATER, INC., 2200 West Chain of Rocks Road, Granite City, IL 62048. Representative: Carl L. Steiner, 39 South La Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1, 7, 16, 19, 22, 23, 24, and 28 certificates to (1) remove all restrictions in its general commodities authority "except classes A and B explosives, and household goods as defined by the Commission" in Sub-Nos. 7 and 22, and "except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk" in Sub-No. 28; (2) broaden the commodity descriptions in Sub-Nos. 16, 19, and 24 to "metal products" from iron and steel articles (except those requiring special equipment or handling), and materials, equipment and supplies used in the manufacturing and processing of iron and steel articles, and in Sub-No. 23 to "stone, clay and glass products" from refractories, and remove the restriction against transportation of commodities in bulk in Sub-No. 24; (3) broaden the territorial description in Sub-No. 1, sheet 2, by removing limitations which specify service at some or no intermediate points, to authorize service at all intermediate points on regular routes between Chicago and Gilman, IL, Peoria and Askum, IL, and Peoria and Lincoln, IL; (4) remove the restriction limiting service to transportation of traffic originating at or destined to the named origins and destinations in Sub-No. 24, substitute county-wide authority in place of the named cities and plantsites, and authorize radial service in place of one-way authority: Sub-No. 16, between Chicago, IL and points in Will and Lake Counties, IL (Joliet and Waukegan, IL), and points in Laclede and Greene Counties, MO (Lebanon and Springfield, MO); Sub-No. 24, between Putnam County, IL (plantsite in Putnam County, IL), and points in MO. Applicant also seeks to broaden the territorial descriptions of its off-route authority by removing the restrictions limiting service to transportation of shipments originating at and destined to a named plantsite in Sub-No. 22, and remove limitations requiring that service be limited to a named plantsite, to instead authorize off-route service to: Sub-No. 22, Burns Harbor, IN (plantsite of Bethlehem Steel in Burns Harbor, Porter County, IN); and Sub-No. 28, Bridgeton, MO (plantsite of Hussman Refrigerator at Bridgeton, St. Louis County, MO).

MC 111231 (Sub-355)X, filed March 16, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 34, 40, 51, 52, 58, 59, 60, 64, 65, 71, 72, 86, 108, 123, 139, 143, 145, 175, 178, 191, 198, 216, 233F, 244, 264F, 284F, and 316F certificate to (1) broaden the commodity descriptions in each of the above numbered certificates from frozen foods, canned goods, cheese, beverages, etc., and materials, equipment, and supplies (in some instances), to "food and related products"; (2) remove restrictions to the

commodity descriptions (e.g. commodities in bulk, in tank vehicles, in vehicles with mechanical refrigeration, etc.) in Sub-Nos. 52, 60, 65, 86, 139, 143, 145, 175, 178, 191, 216, 233F, 284F, and 316F; (3) replace authority to serve specified facilities at named points and authority to serve specified points with county-wide authority: in Sub-No. 34, Kansas City, KS, with Wyandotte County, KS, and Wichita, KS, with Sedgewick County, KS; in Sub-Nos. 40, 51, and 52, facilities at Springdale, AR, with Washington County, AR; in Sub-No. 58, Russellville, AR, with Pope County, AR; in Sub-No. 59, Kansas City, KS, with Wyandotte County, KS; in Sub-No. 60, facilities at Denison, TX, with Grayson County, TX; in Sub-No. 64, facilities at Ft. Smith, AR, with Sebastian County, AR; in Sub-No. 65, facilities at Garden City, KS with Finney County, KS; in Sub-Nos. 71 and 72, Lindale, TX with Smith County, TX; in Sub-No. 108, Fort Smith and Springdale, AR with Sebastian and Washington Counties, AR; in Sub-No. 123, facilities at Chickasha, OK with Grady County, OK; in Sub-No. 139, facilities at Fort Smith, AR with Sebastian County, AR and Springdale, AR, with Washington County, AR; in Sub-No. 143, Muskogee, OK with Muskogee County, OK; in Sub-No. 175, from facilities at Alma and Van Buren, AR, with Crawford County, AR, and Kansas and Proctor, OK, with Delaware and Adair Counties, OK; in Sub-No. 178, Neosho, MO, with Newton County, MO; in Sub-No. 191, facilities at Wichita, KS with Sedgewick County, KS; in Sub-No. 198 and 244F, Monett, MO, with Barry County, MO; in Sub-No. 233F and 284F, Lawton, MI, with Van Buren County, MI; in Sub-No. 244F, Carthage, MO, with Jasper County, MO; in Sub-No. 264F, Facilities at Westfield, NY and North East, PA, with Chantanqua County, NY, and Erie County, PA; and in Sub-No. 316F, facilities at Benton Harbor, Frankfort, and Hart, MI with Berrin, Benzie, and Oceana Counties, MI, and Logansport and South Bend, IN with Cass and St. Joseph Counties, IN; (4) authorize radial service in place of existing one-way authority between specified counties and cities throughout AR, KS, IN, MI, MO, OK, NY, PA, and TX, and, specified states located throughout the U.S.; and (5) remove "originating at and destined to" and facilities restrictions from Sub-Nos. 52, 58, 60, 64, 65, 123, 139, 175, 178, 191, 198, 216, 233F, 244F, 264F, 284F, and 316F.

MC 118516 (Sub-6)X, filed March 16, 1981. Applicant: MAMMOTH OF ALASKA, INC., 1048 Whitney Road, Anchorage, AK 99501. Representative: Arthur R. Hauver, Suite 200, 750 West Second Avenue, Anchorage, AK 99501. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description to "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions); and (2) replace Seward, Anchorage and Valdez, AK with the Third Judicial District, State of Alaska.

MC 119792 (Sub-70)X, filed March 16, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Avenue Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 53 certificate (acquired in MC-F-13676), to (1) broaden its commodity description from confectioneries (except commodities in bulk) and dessert preparations to "food and related products"; (2) to remove the facilities restriction; (3) to remove the originating at and destined to restriction; and, (4) replace one-way authority with radial authority between Chicago, IL and Hammond, IN, and 15 southern States.

MC 120257 (Sub-59)X, filed March 18, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Applicant seeks to remove restrictions in its Sub-No. 15 certificate to (1) broaden the commodity description from plastic pipe, to "pipe"; (2) remove the exceptions of service to AK, HI, & TX; (3) broaden the territorial description by authorizing county-wide authority for city-wide authority: Harris County for Houston, TX, and (4) authorize radial service in lieu of existing one-way authority between Harris County, TX and points in the U.S.

MC 121496 (Sub-71)X, filed March 18, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 10F certificate, to (1) broaden the commodity description from petroleum, petroleum products, vehicle sealers, and sound deadener compounds, in bulk, in tank vehicles, to "commodities in bulk", and (2) broaden Jasper, TN to county-wide authority of Marion County, TN; eliminate the AK and HI exceptions; and replace one-way authority with radial authority between Marion County, TN, and points in the U.S.

MC 121496 (Sub-72)X, filed March 18, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 36 certificate to (1) broaden the commodity description to "commodities in bulk" from acids, chemicals, and petroleum products, in bulk, in tank vehicles, and (2) broaden the territorial description by substituting county-wide authority for the named plantsite near Brownsville, TX, remove the exception excluding service in AK and HI, and authorize radial service in place of existing one-way service: between points in Cameron County, TX, and points in the U.S.

MC 126255 (Sub-11)X, filed March 13, 1981. Applicant: BUTLER-JONES AIR FREIGHT, INC., P.O. Box 1964, Salisbury-Wicomico Airport, Salisbury, MD 21801. Representative: Peter A. Greene, 1920 N Street, NW., Suite 700, Washington, D.C. 20036. Applicant seeks to remove restrictions and broaden authorities in Sub-Nos. 1, 4, 6F, 7F, 8F, 9 (incorrectly issued as Sub-No. 82) and 10 (incorrectly issued as Sub-No. 83) by: (1) elimination of all exceptions to general commodities authorizations other than "classes A and B explosives;" in all referenced authorities; (2) elimination of the restriction against handling traffic other than that having an immediately prior or subsequent movement by air in Sub-Nos. 1, 4, 6F, 7F, and 8F; (3) changing authorized service points from named airports to specified counties or cities served by those airports: Baltimore, MD for Friendship International Airport or Baltimore Washington International Airport in Sub-Nos. 1, 4, 7F and 9F (former Sub-No. 82); Washington, DC for Washington National Airport in Sub-Nos. 1, 4, 7F and 9F (former Sub-No 82); Philadelphia, PA, for Philadelphia International Airport in Sub-Nos 6 and 10 (former Sub-No. 83); Wicomico County, MD, for Salisbury-Wicomico County Airport in Sub-No. 1, 4, 6F and 7F; Fairfax and Loudoun Counties, VA, for Dulles International Airport in Sub-Nos. 4; and (4) broadening authority in Sub-No. 4 to serve all of Somerset County, MD rather than only that portion beyond a radius of 25 miles from Salisbury-Wicomico Airport, Salisbury, MD.

MC 129401 (Sub-16)X, filed March 16, 1981. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, NC 28677. Representative: Charles Ephraim, 406 World Center Building, 918—16th Street, N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-Nos. 3, 6, 7, 8, 14, and 15

permits to: (1) eliminate the "bulk" restrictions in Sub-Nos. 3 and 14; (2) expand the commodity description (a) from thermoplastic materials and compounds and thermoplastic products to "chemicals and related products and rubber and plastic products," and from wooden crates and boxes to "lumber and wood products" (Sub-No. 3), (b) from aircraft seating to "furniture and fixtures" (Sub-No. 6), (c) from new furniture, home furnishing accessories, electrical appliances, and commodities dealt in by retail mail order houses to "furniture and fixtures; machinery; clay, concrete, glass or stone products; metal products; leather and leather products; rubber and plastic products; lumber and wood products; textile mill products; pulp, paper and related products; and commodities dealt in by retail mail order houses" (Sub-No. 7), (d) from plastic and rubber automotive accessories to "rubber and plastic products" (Sub-No. 8), (e) from feed and feed ingredients to "food and related products" (Sub-No. 14), and (f) from wood sawing machines, pumps, generators, compaction equipment, concrete vibrators, lawn care equipment, accessories and parts thereof to "machinery"; and (3) expand the territorial descriptions to "between points in the U.S. under continuing contract(s) with named shippers" in each of the above-numbered permits.

MC 133689 (Sub-361)X, filed March 16, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-Nos. 153 and 275F certificates to (1) eliminate all restrictions in its general commodities authority except "classes A and B explosives"; (2) (a) remove restrictions limiting service to traffic originating and/or destined to facilities of exempt shipper's association or a named cooperative association and (b) authorize county-wide for city-wide authority and substitute radial authority for existing one-way authority in both Sub-Nos. to authorize service between: Hartford County, CT (Berlin, CT) and Hampton County, MA (Springfield, MA) and Minneapolis, MN, and SD in Sub-No. 153; and (1) points in CT and RI and Hartford County, CT (Berlin, CT) and Fairfield County, CT (Danbury, CT), and (2) Hartford and Fairfield Counties, CT (Berlin and Danbury) and points in the U.S. in and east of ND, SD, NE, KS, MO, AR, and LA (with exceptions) in Sub-No. 275F.

MC 133689 (Sub-363)X, filed March 19, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-Nos. 80 and 89 certificates to (1) remove the restrictions against transporting commodities in bulk and foodstuffs; (2) replace city-wide or plantsite restrictions with county-wide authority: Crawsfordsville with Montgomery County, IN, Kansas City, MO, and Brookings with Brookings County, SD, in Sub-No. 80; and Duluth with St. Louis County, MN, in Sub-No. 89; and (3) change its one-way authorities to radial authorities between: (a) points in Montgomery County, IN, Brookings County, SD and Kansas City, MO, and, points in the eastern part of the U.S., in Sub-No. 80; and (b) points in St. Louis County, MN, and, points in eastern part of the U.S., in Sub-No. 89.

MC 135170 (Sub-58)X, filed March 19, 1981. Applicant: TRI–STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 46F permit to (1) remove the "in bulk" restriction and the "size and weight" restriction and (2) broaden the territorial description to "between points in the U.S." under continuing contract(s) with a named shipper.

MC 136161 (Sub-37)X, filed March 18, 1981. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 Mc Lachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 19F certificate to (a) broaden the commodity description from chemicals, chemical compounds, antifreeze, plastics and plastic products in part (1) of the certificate to "chemicals and related products and rubber and plastic products"; (b) remove the restriction against the transportation of commodities in bulk; (c) remove the facilities limitation and expand city-wide to county-wide authorization as follows: Mankato, MN, to Blue Earth County MN; Newark, OH, to licking County, OH; Clinton, MA. to Worcester County, MA; Morris and Mapleton, IL, to Grundy and Peoria Counties, IL (d) remove the limitations against service to AK and HI.

MC 136161 (Sub-38)X, filed March 18, 1981. Applicant: ORBIT TRANSPORT, INC., P.O. Box 136, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 Mc Lachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 29F certificate to (1) remove the restriction against the transportation of "commodities in bulk, in tank vehicles", (2) delete the exception of service to AK and HI, and (3) replace a plantsite restriction located in Des Plains, IL, with Cook County, IL, to authorize service between Cook County and points in the U.S.

MC 136343 (Sub-232)X, filed March 18, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Stan C. Geist (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 78 certificate to (1) broaden the commodity description from pulpboard to "pulp, paper and related products"; and (2) remove the facilities limitation of Coshocton, OH, and expand to Coshocton County, OH.

MC 138836 (Sub-7)X, filed March 19, 1981. Applicant: NARO ENTERPRISES, INC., R.D. 1, Box 192, Gouldsboro, PA 18424. Representative: Peter Wolff, 722 Pittston Avenue, Scranton, PA 18505. Applicant seeks to remove retrictions in its Sub-No. 6F certificate to (1) remove the "except those requiring special equipment" restriction; and (2) expand city-wide to county-wide authority from Daleville to Lackawanna County, PA.

MC 141034 (Sub-9)X, filed March 13, 1981. Applicant: MARGIN LEASING, INC., 21 Baltic Road, Worcester, MA. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Applicant seeks to remove restrictions in its lead (authority acquired in MC-FC-75639, issuance of permit pending) and Sub-Nos. 4 and 7F permits to (1) broaden its commodity description to "beverage and beverage containers" from: (a) malt beverage and soft drinks, empty beverage containers and malt beverages in lots of not less than 20,000 pounds, in the lead; (b) malt beverages in Sub-No. 4; and (c) malt beverages and brewery supplies in Sub-No. 7F; (2) to broaden the territorial description to "between points in the U.S." under continuing contracts with unspecified shippers in the lead; and (3) expand the territorial description to "between points in the U.S." under continuing contract(s) with a named shipper in Sub-No. 4 and Sub-No. 7F.

MC 144643 (Sub-15)X, filed March 19, 1981. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Avenue, Johnston, RI 02919. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. Applicant seeks to remove restrictions in its Sub-No. 9F to broaden the territorial scope to service between all points in the U.S., under continuing contract(s) with a named shipper.

MC 145054 (Sub-43)X, filed March 9, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., 1600 Lincoln Center Bldg., Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 6, 12, 14, 16, 18F, 29F, 31, 33F, and 34F permits in No. MC 136407 to (1) broaden the commodity description to "food and related products" from (a) malt beverages and related materials, equipment, and supplies in Sub-Nos. 1, 12, 14, 16, and 29F; (b) from cheese and cheese products, pizza materials and supplies and standardized milk products in Sub-No. 3; from confectionery, chocolate, chocolate coating, cocoa, cocoa compounds, chocolate compounds, cocoa butter, and flavoring syrup in Sub-No. 6; and from prepared frozen foods in Sub-No. 18F; (2) remove all exceptions in its general commodity authority, except classes A and B explosives in Sub-Nos. 31 and 33F; (3) remove the language referring to STCC No. in the commodity description in Sub-No. 34F; and (4) broaden the territorial description to "between points in the U.S." under continuing contract(s) with named shippers in all subs.

MC 146230 (Sub-1)X, filed March 19, 1981. Applicant: J & V TRUCKING COMPANY, INC., 617 River Rouge Drive, Nashville, TN 37209. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Applicant seeks to remove restrictions in its MC 146230F permit to (1) broaden the commodity description from rubber articles, and materials, equipment and supplies used in the manufacture, sale, and distribution of rubber articles (except commodities in bulk, in tank vehicles) to such commodities as are dealt in or used by manufacturers of rubber articles; and (2) broaden the territorial authority to between points in the U.S. under continuing contract(s) with a named shipper.

MC 146402 (Sub-30)X, filed March 16, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-Nos. 15F, 16F and 21F, (1) by broadening the commodity description in Sub-No. 15F from paper and paper products, plastic film, machinery and chemicals to "pulp, paper and related products, chemicals and related products, rubber and plastic products and machinery," (2) by broadening the commodity description in Sub-No. 16F from paper and paper articles, wood pulp, plastic and plastic products to "forest products, lumber and wood products, pulp, paper and related products, rubber and plastic and (3) by broadening the commodity description in Sub-No. 21F from electric storage batteries, parts for electric storage batteries, battery fluid, battery boxes, battery covers and battery vents to "machinery, waste or scrap materials not identified by industry producing," (4) by removing all "in bulk" restrictions in Sub-Nos. 15F and 16F, (5) by removing a restriction against the handling of "size and weight" commodities in Sub-No. 15F, (6) remove the "in tank vehicle" restriction in Sub-Nos. 15 and 16 and (7) remove the exceptions of service to AK and HI in Sub-Nos. 15, 16, and 21.

MC 146890 (Sub-35)X, filed March 17, 1981. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (a) broaden the commodity description from chemicals, chemical compounds, antifreeze, plastics, and plastic products in part (1) of the authority to "chemicals and related products and rubber and plastic products"; (b) remove the "except commodities in bulk" restrictions in parts (1) and (2) of the authority; (c) expand city-wide to county-wide authority from Mankato to Blue Earth County, MN; Newark to Licking County, OH; Clinton to Worcester County, MA; Morris to Grundy County, IL; and Mapleton to Peoria County, IL; and (d) remove the restriction against service to AK and HI.

MC 148023 (Sub-3)X, filed March 19, 1981. Applicant: RAY HACKE, d.b.a. HACKE TRUCKING, 3742 Wadsworth Rd., Waukegan, IL 60085. Representative: Joel H. Steiner, Suite 600, 39 South LaSalle, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F permit to broaden the territorial description on movement of radioactive waste to "between points in the U.S.," under continuing contract(s) with a named shipper.

[FR Doc. 81-9667 Filed 3-30-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 C.F.R. 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(E). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-209

Decided: March 18, 1981.

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 98154 (Sub-21), filed January 27, 1981, previously noticed in Federal Register on February 25, 1981. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 E. Washington Road, Saginaw, MI 48601. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting *such commodities* as are dealt in or used by department stores (1) between the facilities of Montgomery Ward & Co., Inc., in Eaton County, MI, on the one hand, and, on the other, points in Allen, Butler, and Miami Counties, OH, and (2) between the facilities of Montgomery Ward & Co., Inc., in Eaton County, MI, and St. Joseph and Wayne Counties, IN.

Note.—This republication corrects the territorial description to Butler County, instead of Warren County, OH.

MC 107295 (Sub-1016), filed February 2, 1981, previously published in the Federal Register of February 24, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *composition board*, between Sanford, ME, on the one hand, and, on the other, points in the U.S.

Note.—This republication modifies the commodity description.

MC 124004 (Sub-65), filed January 19, 1981, previously published in the Federal Register of February 24, 1981. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, NJ 07871. Representative: Richard Dahn (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of the International Paper Company, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9665 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 C.F.R. 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 F.R. 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 F.R. 80109.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be statisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3011

Decided: March 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 135524 (Sub-168), filed February 10, 1981. Applicant: G. F. TRUCKING COMPANY, a corporation, 1028 W. Rayen Ave., P.O. Box 229, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509, (216) 747-4461. Transportating *general commodities*, between McMurray, Library Junction, Library, Coverdale, and Brightwood, PA, 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9666 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP1-095]

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 109490 (Sub-22F) (republication), filed October 9, 1980, published in the **Federal Register** November 4, 1980, and republished this issue. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI 53962. Representative: Ronald E. Laitsch, 117 S. Third Street, Watertown, WI 53094. A decision by the Commission, Division 2,

decided March 9, 1981, served March 20, 1981, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cheese and cheese products*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, between points in Wisconsin, on the one hand, and, on the other, points in the United States. The purpose of this republication is to reflect the expand authority sought.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9668 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 106F)]

Chicago and North Western Transportation Company Abandonment Between Northline and Spooner, Wis.; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided March 23, 1981, a finding was made by the Commission, Review Board Number 1, stating that the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of segment of its line between Northline and Spooner, WI, a distance of 76.7 miles in St. Croix, Polk, Barron and Washburn Counties, WI, subject to the conditions for the protection of employees discussed in *Oregon Short Lines R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

A certificate of public convenience and necessity will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment 15 days after this decision becomes final. However, issuance may be stayed if: (1) an appeal is filed and considered; or (2) within 15 days from the date of publication the Commission further finds that:

(a) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(b) it is likely that such proffered assistance would:

(i) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(ii) cover the acquisition cost of all or any portion of such line of railroad.

An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9611 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-2 (Sub-No. 29F); et al.]

Louisville and Nashville Railroad Co.—Abandonment—Between Bruceton and Rose Hill, TN; et al.; Notice of Findings

In the matter of Docket No. AB-2 (Sub-No. 29F), Louisville and Nashville Railroad Company—abandonment—between Bruceton and Rose Hill, TN; Docket No. AB-2 (Sub-No. 30F); Louisville and Nashville Railroad Company—abandonment—between Dresden and Union City, TN; Docket No. AB-2 (Sub-No. 31F), Louisville and Nashville Railroad Company—abandonment—between Paducah and Murray, KY; Docket No. AB-43 (Sub-No. 68F), Illinois Central Gulf Railroad Company—abandonment—between Fordsville and Owensboro, KY; Docket No. AB-43 (Sub-No. 69F), Illinois Central Gulf Railroad Company—abandonment—at Elizabethtown, KY; and Docket No. AB-43 (Sub-No. 70F), Illinois Central Gulf Railroad Company—abandonment—between Hopkinsville, KY, and Nashville, TN.

Notice is hereby given pursuant to 49 U.S.C. 10903 that by decision decided March 10, 1981, a finding which is administratively final was made by the Administrative Law Judge, starting that the public convenience and necessity permit the abandonments by (1) Louisville and Nashville Railroad Company in docket No. AB-2 (Sub-No. 29) of a portion of branch line from milepost 87.92 at Bruceton to milepost 142.39 at Rose Hill, in Carrol, Henderson and Madison Counties, TN, a distance of 54.47 miles; (2) L&N in docket No. AB-2 (Sub-No. 30) of a portion of branch line from milepost 131.30 near Dresden to milepost 154.62 at Union City in Obion and Weakley Counties, TN, a distance of 23.32 miles; (3) L&N in docket No. AB-2 (Sub. No. 31) of a portion of branch line from milepost 0.29 at Paducah and milepost 38.34 near Murray in McCracken, Graves, Marshall and Calloway Counties, KY, a distance of 38.05 miles, and to discontinue its operations over the Paducah and Illinois Railroad Co (P&I) at Paducah, KY; (4) Illinois Central Gulf Railroad Company in docket No. AB-43 (Sub-No. 68) of a portion of branch line from milepost 15.6 at Fordsville to milepost 41.02 at Owensboro in Ohio anda Davies Counties, KY, a distance of 25.42 miles; (5) ICG in docket No. AB-43 (Sub-No. 69) of a portion of branch line from milepost 5.3 west of Elizabethtown and milepost 8.18 at Elizabethtown in Hardin County, KY, a distance of 2.88 miles; and (6) ICG in docket No. AB-43 (Sub-No. 70) of a portion of branch line from milepost 131 at Hopkinsville, KY, to milepost 205.76 at Nashville, TN, in Christian County, KY, and Montgomery, Cheatham and Davidson Counties, TN, a distance of 74.76 miles, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), *provided further*, that in docket Nos. AB-2 (Sub-No. 29) and AB-43 (Sub-No. 70), the applicants shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts on the lines described for a period of 180 days from April 19, 1981, in order 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. Certificates of abandonment will be issued to the Louisville and Nashville Railroad Company and the Illinois Central Gulf Railroad Company based on the above-described findings of abandonment, 30 days after publication of this notice,

unless within 15 days from date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicants, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) it is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any postion of such line of railroad.

If the Commission so finds, the issuance of certificates of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after this notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–9609 Filed 3–30–81; 8:45 am]

BILLING CODE 7035–01–M

[I.C.C. Order No. 76; Under Service Order No. 1344]

Rerouting Traffic

To All Railroads: In the opinion of Joel E. Burns, Agent, Virginia and Maryland Railroad Company is unable to transport promptly all traffic over its car float between Norfolk (Little Creek) Virginia and Cape Charles, Virginia, due to the sinking of one of its car floats.

It is ordered, (a) *Rerouting traffic.* Virginia and Maryland Railroad Company being unable to transport promptly all traffic over its car float between Norfolk (Little Creek) Virginia and Cape Charles, Virginia, that line and its connections are hereby authorized to divert or reroute such traffic over any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipment as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3:30 p.m., March, 13, 1981.

(g) *Expiration date.* This order shall remain in effect until 11:59 p.m., April 12, 1981, unless otherwise modified, amended or vacated by order of this Commission.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 13, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81–9610 Filed 3–30–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–69 (Sub-No. 8F)]

Western Maryland Railway Co.; Abandonment Near Eckhart Junction in Allegany County, Md; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided March 25, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Western Maryland Railway Company of a line of railroad known as: Eckhart Branch, from railroad milepost 0.00, at or near Eckhart Junction, MD, to the end of line at railroad milepost 1.46, a distance of 1.46 miles, in Allegany County, MD. A certificate of public convenience and necessity permitting abandonment was issued to the Western Maryland Railway Company. Since no investigation was instituted, the requirements of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as

filed, shall contain information required pursuant to Section 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. 9491 Filed 3-30-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

Watches and Watch Movements From Insular Possessions

In the matter of determination of apparent U.S. consumption of watch movements in 1980 and of quotas for duty-free entry of watches and watch movements from insular possessions in 1981.

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the U.S. International Trade Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1980 was 72,465,000 units.

The determination was derived as follows:

Item	*1,000 units*
U.S. production	
Plus inventory decrease	
Less exports of domestic merchandise	
Apparent U.S. consumption of domestic units	
U.S. imports	
Less reexports of foreign merchandise	
Net imports	
Shipments from Virgin Islands, Guam, and American Samoa	
Apparent U.S. consumption	

[1] Official statistics of the U.S. Department of Commerce were adjusted to compensate for a number of shipments for which information was erroneously reported.

[2] During 1980 only the Virgin Islands shipped watches and watch movements.

The number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during calendar year 1981 under headnote 6(b) of subpart E of the TSUS is as follows:

	Units
Virgin Islands	7,045,000
Guam	671,000
American Samoa	336,000

Issued: March 26, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-9634 Filed 3-30-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Notification of Proposed Inclusion of Preparations Containing Tilidine and Naloxone in Schedule III of the Single Convention on Narcotic Drugs, 1961 and of That Convention as Amended by the 1972 Protocol

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice.

SUMMARY: The Secretary-General of the United Nations informed all Parties to the Single Convention on Narcotic Drugs that the Government of Belgium had submitted information and a notification recommending the inclusion of a preparation containing tilidine and naloxone in Schedule III of the Single Convention. The Government of the United States is preparing a position on this issue. Comments may be made to the Drug Enforcement Administration.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: On April 17, 1980, the Secretary of State of the United States was informed by the Secretary-General of the United Nations that tilidine had been placed in Schedule I of the Single Convention on Narcotic Drugs, 1961, as amended. Because the United States is a Party to this Convention, tilidine was placed in Schedule I of the Controlled Substances Act of 1970, effective December 1, 1980 (45 FR 64571).

On November 26, 1980, the Secretary-General transmitted to the Secretary of State a notification from the Government of Belgium in which it was proposed that preparations of tilidine and naloxone (the latter substance present in an amount of 8-9% of the quantity of tilidine present) be included in Schedule III of the Single Convention. Currently, under the Convention, all preparations of tilidine are subject to those controls required by Schedule I. Therefore, the effect of including the tilidine-naloxone preparation in Schedule III of the Convention would be to significantly lessen the controls imposed on this preparation. Because no tilidine preparations are legitimately marketed in the United States at the present time, the results of the proposed action should not require any domestic scheduling action by the Drug Enforcement Administration in the near future.

The Government of the United Stated is a member of the Commission on Narcotic Drugs, the decision-making body under the Single Convention. Thus, the United States will participate in the CND deliberations on the Belgium proposal.

Interested persons are invited to submit their comments in writing regarding this issue in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 Eye Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative on or before June 1, 1981.

Dated: March 25, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-9623 Filed 3-30-81; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 80-27]

Stanley Gregoroff, M.D.; Hearing

Notice is hereby given that on August 25, 1980, the Drug Enforcement Administration, Department of Justice, issued to Stanley Gregoroff, M.D., Atlanta, Georgia, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke Respondent's Certificate of Registration AG 1167217, issued to him pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, April 7, 1981, in Hearing Room No. 401, Interstate Commerce Commission, 1776 Peachtree Street, N.W., Atlanta, Georgia.

Dated: March 25, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-9622 Filed 3-30-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council Committees; Meetings and Agenda

The spring meetings of the Committees on Productivity-Foreign Labor and Economic Growth will be held in room N5437, Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda of the meetings are as follows:

Wednesday, April 22, 1981

9:30 a.m.—Committee on Productivity-Foreign Labor

1. Comparison of BLS and other researchers procedures for developing multifactor productivity measures.
2. Developmental work on state and local government productivity measures.
3. Future of the Trade Monitoring System.
4. Other Business.

Wednesday, April 22, 1981

1:30 p.m.—Committee on Economic Growth

1. Election of Officers.
2. Discussion of Revisions—1990 Macro Projections.
3. 1990 Industry Projections.
4. Progress on Selection of Replacement of BLS Macro Model.
5. Other Business.

The meetings are open to the public. It is suggested that persons planning to attend these meetings as observers contact Kenneth G. Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523-1559.

Signed at Washington, D.C., this 25th day of March 1981.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 81-9660 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-24-M

Mine Safety and Health Administration

[Docket No. M-81-51-C]

Helvetia Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Helvetia Coal Company, Box 729, Indiana, Pennsylvania 15701 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Lucerne No. 6, 8 and 9 Mines located in Indiana County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Petitioner's mining heights range from 40 to 80 inches with uneven top and bottom conditions.

3. Petitioner states that installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety because:

a. The canopies impair the equipment operator's vision, jeopardizing his or her safety and the safety of nearby miners;

b. Equipment operators lean out from the equipment to maneuver, exposing themselves to possibly striking the rib or other equipment;

c. Cramped operator compartments contribute to fatigue, reducing alertness which increases the chances of an accident;

d. Canopies could strike roof support and cause a roof fall.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 30, 1981. Copies of the petition are available for inspection at that address.

Dated: March 23, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-9656 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-52-C]

Keystone Coal Mining Corp.; Petition for Modification of Application of Mandatory Safety Standard

Keystone Coal Mining Corporation, 655 Church Street, Indiana, Pennsylvania 15701 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Emilie Nos. 1, 2 and 4 Mines, Jane Nos. 1 and 2 Mines, Margaret No. 11 Mine and Urling No. 3 Mine, all located in Armstrong County, Pennsylvania and to its Urling Nos. 1 and 2 Mines located in Indiana County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Petitioner's mining heights range from 36 to 62 inches, with uneven top and bottom conditions.

3. Petitioner states that installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety because:

a. The canopies impair the equipment operator's vision, jeopardizing his or her safety and the safety of nearby miners;

b. Equipment operators lean out from the equipment to see to maneuver, exposing themselves to possibly striking the rib or other equipment;

c. Cramped operator compartments contribute to operator fatigue, reducing alertness which increases the chances of an accident;

d. Canopies could strike roof support and cause a roof fall.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 30, 1981. Copies of the petition are available for inspection at that address.

Dated: March 23, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-9657 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-50-C]

Quality Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Quality Coal Company, Inc., Box 928, Whiteburg, Kentucky 41858 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 6 located in Letcher County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's scoops and cutting machine.

2. Petitioner states that installation of cabs or canopies on the scoops or cutting machine would result in a diminution of safety because:

a. Due to the coalbed height, canopies would hamper the equipment operator's visibility;

b. Due to the uneven top and bottom conditions, the canopy could strike roof supports, creating the danger of a roof fall.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 30, 1981. Copies of the petition are available for inspection at that address.

Dated: March 23, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-9658 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-9688, TA-W-9689-9712, et al.]

American Motors Corp.; National Parts Distribution Center and American Motors Sales Corp., Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of American Motors Corporation, National Parts Distribution Center Milwaukee, Wisconsin: TA-W-9689-9712, American Motors Sales Corporation, Houston, TX (TA-W-9689), McLean, VA (TA-W-9690), Burlingame, CA (TA-W-9691), Portland, OR (TA-W-9692), Warrendale, PA (TA-W-9693), Warrendale, PA (TA-W-9694), Sharon Hill, PA (TA-W-9695), King of Prussia, PA (TA-W-9696), Elmsford, NY (TA-W-9697), Minneapolis, MN (TA-W-9698), Memphis, TN (TA-W-9699), Carson, CA (TA-W-9700), El Segunda, CA (TA-W-9701), Overland Park, KS (TA-W-9702), Detroit, MI (TA-W-9703), Southfield, MI (TA-W-9704), Denver, CO (TA-W-9705), Dallas, TX (TA-W-9706), Cincinnati, OH (TA-W-9707), Elk Grove Village, IL (TA-W-9708), Mansfield, MA (TA-W-9709), Westwood, MA (TA-W-9710), North Miami Beach, FL (TA-W-9711), Stone Mountain, GA (TA-W-9712).

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on August 4, 1980 in response to worker petitions which were filed on behalf of workers and former workers distributing automotive parts for vehicles produced by American Motors Corporation (AMC) at the National Parts Distribution Center in Milwaukee, Wisconsin of AMC (TA-W-9688), and on behalf of workers and former workers selling new AMC vehicles and distributing parts for these vehicles at the zone sales offices and parts warehouses of the American Motors Sales Corporation.

Since workers at these facilities did not produce an article within the meaning of section 222(3) of the Trade Act, they may be certified only if their separation was importantly caused by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

In the following determinations, without regard to whether any of the other criteria have been met for workers at the National Parts Distribution Center, Milwaukee, Wisconsin, and at the zone parts warehouses of the American Motors Sales Corporation the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A recent Department certification of workers at the sole assembly plant of the American Motors Corporation (AMC) was based on a finding of import injury which was limited to certain lines of cars, trucks, and other vehicles produced during model years [1] (MY) 1979 and 1980.

The National Parts Distribution Center and the zone parts warehouses of American Motors Sales Corporation distribute replacement parts for cars and Jeeps produced by AMC. None of the parts sold by these facilities are used as original equipment on trade-impacted vehicles. A major portion of the parts handled by these facilities are produced by firms not corporately affiliated with AMC. The proportion of total parts sales by these facilities devoted to warranty work is not significant. Consequently, a direct and significant connection cannot be established between layoffs at both the National Parts Distribution Center and the zone parts warehouses of the American Motors Sales Corporation and the production declines at the certified assembly and component plants of AMC.

For workers engaged in employment related to the sale of new AMC vehicles at the zone sales offices of the American Motors Sales Corporation, all of the criteria have been met.

The American Motors Sales Corporation handles the distribution and sale of automobiles and Jeep vehicles produced by American Motors Corporation (AMC). In a recent determination issued on September 15, 1980, workers assembling automobiles at the Kenosha, Wisconsin plant (TA-W-9316) of AMC were certified as eligible to apply for adjustment assistance. The certification was based on increased imports of subcompact, intermediate, and four-wheel drive pick-up vehicle categories.

Decreasing sales of trade-impacted vehicles and reduced production at the certified assembly plant have led to reductions in services at the zone sales offices of the American Motors Sales Corporation. Workers at the zone sales offices provide services which are

[1] Model Year runs from October 1 through September 30.

directly and substantially related to the production of trade-impacted subcompact cars, intermediate cars, and four-wheel drive pick-up vehicles by AMC.

Because U.S. auto manufacturers redesigned most of their automobiles and/or introduced completely new models from MY 1979 to MY 1981, the composition and distinguishable features and each market class of vehicles has changed substantially. As a result, the continuation of the recent impact of import competition that existed in MY 1979 amd MY 1980 may not continue in MY 1981.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with subcompact cars, intermediate cars, and four-wheel drive pick-up trucks produced at final assembly plants of the American Motors Corporation contributed importantly to the decline in sales or production and to the total or partial separation or workers at the zone sales offices of the American Motors Sales Corporation listed below. In accordance with the provisions of the Act, I make the following certification:

All workers at the following zone sales offices of American Motors Sales Corporation who became totally or partially separated from employment on or after the respective impact dates and before November 1, 1980 are eligible to apply for adustment assistance under section 223 of the Trade Act of 1974.

Zane Sales Offices and Impact Date

Houston, TX (TA-W-9689), June 20, 1979
McLean, VA (TA-W-9690), May 1, 1980
Portland, OR (TA-W-9692), May 1, 1980
Warrendale, PA (TA-W-9694), May 1, 1980
King of Prussia, PA (TA-W-9696), May 1, 1980
Elmsford, NY (TA-W-9697), June 20, 1979
Minneapolis, MN (TA-W-9698), May 1, 1980
El Segundo, CA (TA-W-9701), December 1, 1979
Overland Park, KS (TA-W-9702), May 1, 1980
Southfield, MI (TA-W-9704), April 1, 1980
Denver, CO (TA-W-9705), March 1, 1980
Dallas, TX (TA-W-9706), May 1, 1980
Cincinnati, OH (TA-W-9707), May 1, 1980
Elk Grove Village, IL (TA-W-9708), June 20, 1979
Westwood, MA (TA-W-9710), May 1, 1980
North Miami Beach, FL (TA-W-9711), June 20, 1979
Stone Mountain, GA (TA-W-9712), May 1, 1980

I further determine that all workers at the National Parts Distribution Center of the American Motors Corporation in Milwaukee, Wisconsin, and all workers at the following zone parts warehouses of the American Motors Sales Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

McLean, VA (TA-W-9690), Burlingame, CA (TA-W-9691), Portland, OR (TA-W-9692), Warrendale, PA (TA-W-9693), Sharon Hill, PA (TA-W-9695), Elmsford, NY (TA-W-9697), Minneapolis, MN (TA-W-9698), Memphis, TN (TA-W-9699), Carson, CA (TA-W-9700), Overland Park, KS (TA-W-9702), Detroit, MI (TA-W-9703), Denver, CO (TA-W-9705), Dallas, TX (TA-W-9706), Cincinnati, OH (TA-W-9707), Elk Grove Village, IL (TA-W-9708), Mansfield, MA (TA-W-9709), Stone Mountain, GA (TA-W-9712)

Signed at Washington, D.C., this 24th day of March 1981.

C. Michael Aho,

Directar, Office of Foreign Ecanamic Research.

[FR Doc. 81-9643 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7456]

Cyclops Corp., Empire Steel Division, Portsmouth, Ohio; Negative Determination on Reconsideration

On February 4, 1981, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at the Portsmouth, Ohio facility of the Empire Steel Division of the Cyclops Corporation. This determination was published in the Federal Register on February 13, 1981 (46 FR 12362).

The company claims that the Department did not address in its denial notice the loss of the pig iron market and the resultant shutdown of the Portsmouth, Ohio facility because of imports from Brazil.

The Department's review showed that the predominant share of pig iron produced at Portsmouth was used internally for the making of ingots, the majority of which were shipped to another plant of the Empire Steel Division at Mansfield, Ohio for use in the production of galvanized sheet, cold rolled sheet and strip, first operation blanks, stainless sheet, silicon electrical sheet and hot rolled sheet. Given Portsmouth's integration into the production process of Mansfield, the Department conducted a survey of Mansfield's customers and found that the "contribute importantly" test of the Act was not met for any of Mansfield' products. Mansfield's customers of finished steel products were generally not switching to directly competitive imported products. The possibility that the import impact might be falling on Portsmouth at the ingot stage of production was dismissed because U.S. imports of semi-finished carbon steel products (which includes ingots) decreased both absolutely and relative to domestic shipments in 1979 compared to 1978 and in the first half of 1980 compared to the same period in 1979. Thus the increased import criterion was not met for ingots.

On reconsideration, the Department found that there was a major decrease in demand for ingots by the Mansfield plant where the major share of Portsmouth's ingot production was shipped. The Department also found that production of pig iron at Portsmouth actually increased in 1979 compared to 1978 while sales of pig iron decreased by 23.5 percent during the same period. However, pig iron sales increased in the first three months of 1980 compared to the same period in 1979. Further, pig iron sales to outside customers in the last full calendar year of operations accounted for less than 15 percent of Portsmouth's total pig iron production. Under the circumstances, it would seem unlikely that even the loss of this market would have caused the closure of the plant. In order to increase the sales of pig iron and to justify the use of the blast furnaces because of Mansfield's lower requirements for ingots, the company reportedly entered into an arrangement with a selling agent in mid-1979 and made them the exclusive selling agent for Portsmouth's pig iron. The projections were to increase outside sales of pig iron threefold in 1980. However, these projected sales were not realized. Under the Trade Act of 1974 the failure to realize a sales potential would not provide an adequate basis for certification.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers at the Portsmouth, Ohio facility of Cyclops Corporation's Empire Steel Division.

Signed at Washington, D.C. this 23d day of March 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-9644 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,417]

The Exyin Co., Miami Lakes, Florida; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), the

Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 25, 1980 in response to a petition which was filed on behalf of workers at the Exylin Company, Miami Lakes, Florida. The workers produce women's raincoats.

U.S. imports of women's, girls', and infants' cloth raincoats increased absolutely and relative to domestic production and consumption from 1976 through 1979. The ratio of imports to domestic production was over 90 percent in both 1978 and 1979.

U.S. imports of rubber and plastic wearing apparel increased absolutely in 1979 compared to 1978 and increased relative to domestic production in every year from 1976 through 1978 when compared with the previous year. The ratio of U.S. imports to domestic production was over 130 percent in each year from 1976 through 1978.

The Exylin Company's sales of imported raincoats increased in every quarter from the fourth quarter of 1979 to the fourth quarter of 1980 compared to the same quarter of the previous year and increased in 1979 and 1980 compared to the previous years. Company sales of imported raincoats represented a substantial and increasing percentage of total sales in 1978, 1979, and 1980.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's raincoats produced at the Exylin Company, Miami Lakes, Florida contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Exylin Company, Miami Lakes, Flordia who became totally or partially separated from employment on or after December 8, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23d day of March 1981.

Harry J. Gilman,

Supervisory Internotionol Economist, Office of Foreign Economic Research.

[FR Doc. 81-9645 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8962]

Fabrik, inc., Seattle, Washington; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on Jume 23, 1980 in response to a petition which was filed by the United Steel Workers on behalf of workers at Fabrik, Incorporated, Seattle, Washington. The workers produce stoneware dinnerware.

The investigation revealed that criterion (3) has not been met.

The Department of Labor surveyed customers of Fabrik, Incorporated. The survey results revealed that customers which increased imports of stoneware dinnerware and decreased purchases from all domestic sources in January–June 1980 compared to the same period in 1979, accounted for a small portion of Fabrik's total sales. In addition, in aggregate, the survey respondents decreased their reliance on imported stoneware relative to their total purchases during this period.

Total company sales at Fabrik, Incorporated increased in value from 1978 to 1979 and from 1979 to 1980. Likewise, the average number of workers employed at Fabrik increased in 1979 compared to 1978 and remained the same in 1980 compared to 1979. Sales and employment declines that occurred in the second quarter of 1980 compared to the second quarter of 1979 were of a temporary nature, due to general business fluctuations. This downturn was followed by increased levels of sales and employment in the third and fourth quarters of 1980.

Conclusion

After careful review, I determine that all workers of Fabrik, Incorporated, Seattle, Washington are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23d day of March 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-9646 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9878]

General Motors Corp., Harrison Radiator Division, Divisional Administration Office, Lockport, New York Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 19, 1981, applicable to all workers in the Divisional Administrative Office of the Harrison Radiator Division of the General Motors Corporation at Lockport, New York. The Notice of Certification was published in the **Federal Register** on January 30, 1981 (46 FR 10025). Previously, the Department had issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 13, 1980 (45 FR 35050), covering the same group of workers.

The Department, having reviewed the certifications, found that the workers at the Divisional Administrative Office at Harrison Radiator in Lockport, New York, were already covered under the original certification and that TA-W-9878 was redundant. It was not the Department's purpose to create a condition of double coverage for workers at Harrison Radiator. Therefore, the Department hereby merges TA-W-9878 into the Department's certification TA-W-7050.

Signed at Washington, D.C., this 19th day of March 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-9649 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 9, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 9, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23d day of March 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Angela Manufacturing (ILGWU)	Windber, Pa	3/18/81	3/11/81	TA-W-12,493	Ladies' dresses.
Bobbie Brooks, Inc. (ILGWU)	Cleveland, Ohio	3/18/81	3/12/81	TA-W-12,494	Sportswear.
Cuddle Coat (ILGWU)	New York, N.Y.	3/18/81	3/12/81	TA-W-12,495	Ladies' coats.
Delson Lumber Co., Inc. (workers)	Olympia, Wash	3/17/81	3/9/81	TA-W-12,496	Finished lumber and cedar siding.
Fairy Tale Childrens Wear (ILGWU)	New York, N.Y.	3/18/81	3/11/81	TA-W-12,497	Childrens wear.
Hunter Offshore Enterprises (workers)	Fields Landing, Calif	3/5/81	2/24/81	TA-W-12,498	Bottom fish.
Miami Express, Inc. (workers)	Hialeah, Fla	3/18/81	3/8/81	TA-W-12,499	Jeans, dresses, pants, blazers.
Mold Masters Co. (workers)	Imlay City, Mich	3/16/81	3/11/81	TA-W-12,500	Mold maker.
Rutgers Cloak Manufacturing Co., Inc. (ILGWU)	East Brunswick, N.J	3/18/81	3/6/81	TA-W-12,501	Girls' and ladies' jackets and coats.
Thom McAn Shoe Co. (Teamsters)	Auburn, Mass	3/17/81	3/10/81	TA-W-12,502	Distribution of shoes to retail stores.
Universal Steel, Inc. (workers)	Kokomo, Ind	3/13/81	3/4/81	TA-W-12,503	Scrap steel for remelting purposes.
Cleveland Steel Tool Co. (workers)	Cleveland, Ohio	3/12/81	3/7/81	TA-W-12,504	Punches and dies for all types of industries.
Ex-Cell-O Corp., Workcenter Division, Howell Operation (UAW).	Howell, Mich	3/12/81	3/8/81	TA-W-12,505	C&C machining centers.
Ford Tractor Operations—Southwestern District Sales Office (company).	Dallas, Tex	3/18/81	3/11/81	TA-W-12,506	Sales of tractors, loaders, and backhoes.
Ford Tractor Operations, Northeast District Sales Office (company).	Cohoes, N.Y	3/18/81	3/11/81	TA-W-12,507	Sales of tractors, loaders, and backhoes.
Ford Tractor Operations, South Central District Sales Office (company).	Memphis, Tenn	3/18/81	3/11/81	TA-W-12,508	Sales of tractors loaders, and backhoes.
Gallant International (ILGWU)	New York, N.Y	3/13/81	3/11/81	TA-W-12,509	Ladies' coats and suits.
Longview Booming Shakemill (workers)	Longview, Wash	3/12/81	3/8/81	TA-W-12,510	Resawn and taper sawn shakes.
Metalloy Corp. (workers)	Shannon, Miss	3/12/81	3/8/81	TA-W-12,511	Intake manifolds.
Powder Riner, Inc. (workers)	Summer, Wash	3/12/81	3/8/81	TA-W-12,512	Outerwear.
Bethlehem Mines Corp., Hanover Quarry (USWA)	Hanover, Pa	3/18/81	3/18/81	TA-W-12,513	Processing limestone and metallurgical stone.
Chrysler Corp., Export Plant (UAW)	Detroit, Mich	3/17/81	3/11/81	TA-W-12,514	Automobile component parts.
Dayton Industries, Inc. (ILGWU)	Passaic, N.J	3/19/81	3/17/81	TA-W-12,515	Ladies' sportswear.
Mac Truck, Inc., Mac Western Division (UAW)	Hayward, Calif	3/17/81	3/2/81	TA-W-12,516	Assemble trucks.
Marcraft Recreation Corp. (company)	Garfield, N.J	3/18/81	3/3/81	TA-W-12,517	racquetball paddles and racquets.
Parr, Inc. (East) (company)	Cleveland, Ohio	3/12/81	3/8/81	TA-W-12,518	Rust preventatives, spotweld sealer paints.
Parr, Inc. (West) (company)	Cleveland, Ohio	3/12/81	3/8/81	TA-W-12,519	Rust preventatives, spotweld sealer paints.
Stutz Products Corp. (workers)	Hartford City, Ind	3/13/81	3/10/81	TA-W-12,520	Beef slicing knives and circular knives.
Wilcox Forging, Inc. (workers)	Mechanicsburg, Pa	3/19/81	3/16/81	TA-W-12,521	Drop forgings.
Chrysler Corp., St. Louis Parts Depot (Teamsters)	Hazelwood, Mo	3/18/81	3/11/81	TA-W-12,522	Warehousing and sale of replacement parts for Chrysler autos and trucks.
Babcock & Wilcox, Tubular Products Division, (USWA).	Beaver Falls, Pa	3/18/81	3/18/81	TA-W-12,523	fittings and forgings.
Rockwell Automotive Operations (workers)	Troy, Mich	3/18/81	3/10/81	TA-W-12,524	Headquarters for automotive operations and also testing facility.

[FR Doc. 81-9654 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,392]

National Semiconductor Large Computer Systems, Inc. (Currently Known as National Advanced Systems), San Diego, Calif.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on August 25, 1980 in response to a petition which was filed on behalf of workers at National Semiconductor Large Computer Systems, Incorporated, San Diego, California. The workers produce computers and memory systems.

The investigation revealed that criterion (3) has not been met.

U.S. imports of computers decreased, in value, absolutely and relative to U.S. shipments in 1979 compared to 1978. In 1978 and 1979, imports were less than 5 percent of U.S. shipments of computers.

Sales and production at National Semiconductor Large Computer Systems increased in the first half of 1979 compared to the first half of 1978. Production and employment declines in the second half of 1979 at National Semiconductor Large Computer Systems are attributable to the volatile state of the industry that year and to the resulting declines in sales of the Data Products Group of Itel Corporation, the sole distributor of National Semiconductor computers.

In October 1979 National Semiconductor Corporation took over the Data Products Group of Itel and formed a subsidiary, National Advanced Systems, to market the computers produced at National Semiconductor Large Computer Systems as well as to market the Hitachi computers imported from Japan, which had also previously been marketed by Itel.

The computers produced by National Semiconductor Large Computer Systems differed from the Hitachi imported computers. The imported computers performed in a different range of mips or million instructions per second and were directed at a different market segment than the computers produced at National Semiconductor Large Computer Systems.

Subsequent to the formation of National Advanced Systems, production at National Semiconductor Large Computer Systems increased in each of the first three quarters of 1980 compared to the preceding quarter.

Employment of salaried workers declined in the second quarter of 1980 compared to the first quarter of that year. The declines of salaried employees were due to the termination of a computer development program at National Semiconductor Large Computer Systems. This developmental computer was an attempt to increase the line of computers marketed by National Advanced Systems and was intended for a different market segment than that to which National Advanced Systems targets the domestic and imported computers. Due to rapid changes in technology in the computer industry, experimental projects are often discontinued, resulting in large, temporary fluctuations in employment. The experimental computer of National Semiconductor was not yet in the production stage when it was terminated. The program was dropped in April 1980 and layoffs of salaried employees occurred at that time. Subsequently, employment of salaried employees remained fairly constant in each month of the third quarter of 1980.

Conclusion

After careful review, I determine that all workers of National Semiconductor Large Computer Systems, Incorporated, (currently known as National Advanced Systems) San Diego, California are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23d day of March 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-9659 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,251, 11,271, 11,513, and 11,165]

New Jersey Zinc Co. and Chestnut Ridge Railway Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation of TA-W-10,251 was initiated on August 18, 1980 in response to a petition which was filed on behalf of workers at the Palmerton, Pennsylvania plant of the New Jersey Zinc Company. Workers at the Palmerton plant produce primarily slab zinc, zinc dust and zinc oxide.

The investigation of TA-W-11,165 was initiated on October 6, 1980 in response to a petition which was filed by the United Transportation Union on behalf of workers at the Chestnut Ridge Railway Company, Palmerton, Pennsylvania. The investigation revealed that the subject firm is a wholly owned subsidiary of the New Jersey Zinc Company. Workers of the Chestnut Ridge Railway Company provide rail services for the Palmerton, Pennsylvania plant of the New Jersey Zinc Company.

The investigation of TA-W-11,271 was initiated on October 14, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Austinville, Virginia plant of the New Jersey Zinc Company. Workers at the Austinville plant produce zinc concentrate which was primarily shipped to the Palmerton plant of the New Jersey Zinc Company.

The investigation of TA–W–11,513 was initiated on October 31, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Ogdensburg, New Jersey plant of the New Jersey Zinc Company. Workers at the Ogdensburg plant produce zinc ore which is shipped to the Palmerton plant of the New Jersey Zinc Company.

A. Slab Zinc and Zinc Dust

The investigation revealed that, with respect to workers producing slab zinc, and zinc dust, criterion (3) has not been met.

The Department surveyed customers representing a significant portion of Palmerton's zinc sales. Most customers indicated that they did not reduce purchases of zinc from the subject firm in favor of imports. Most customers who reduced purchases from New Jersey Zinc prior to the shutdown at Palmerton also reduced purchases of imports. Increases in customer imports subsequent to the shutdown at Palmerton are due to the lack of availability of domestically refined zinc.

U.S. imports of slab zinc declined both absolutely and relative to domestic production in 1979 compared to 1978 and declined absolutely in 1980 compared to 1979. In 1980, the industry experienced a severe decline in demand for zinc. Contractions within the steel, automotive and rubber industries (major consumers of zinc) resulted in a 30 percent decline in U.S. consumption of zinc from 1979 to 1980. This is reflected in declines in both U.S. production and imports of zinc in 1980. The fact that U.S. production declined at a greater rate than imports, resulting in a relative increase in imports vis a vis U.S. production and consumption is attributable to the termination of slab zinc production at the Palmerton plant in 1980 and the shutdown of another major domestic producer in December, 1979.

U.S. imports of zinc dust declined absolutely and relative to domestic production from 1978 to 1979 and remained relatively stable from 1979 to 1980.

Notwithstanding recent declines in domestic consumption, the U.S. producers' price for zinc remained stable from 1979 to 1980. Imports of zinc are affected by the differential between the domestic price of zinc established by U.S. producers and the price established by the London Metal Exchange. When the LME price drops more than the estimated transportation cost of five cents per pound below the U.S. producers' price, the demand for imported zinc increases. In 1979 and in 1980, the price differential averaged less than five cents per pound.

Average production costs at the Palmerton refinery exceeded the average U.S. producers' price for zinc the 12 month period ending July 1980. In light of increasing costs and declining U.S. consumption, the decision was made to terminate slab zinc production at Palmerton.

Gulf and Western (the parent firm) will continue to produce slab zinc at another corporately related zinc refinery in Clarksville, Tennessee. The Clarksville facility is one of the newest and most technically advanced refineries in the industry. Palmerton will continue to produce zinc dust and zinc oxide. Slab zinc required for the production of zinc dust and zinc oxide at Palmerton will be purchased by New Jersey Zinc from other domestic producers.

The Ogdensburg, New Jersey facility of New Jersey Zinc (TA–W–11,513) supplies Palmerton with zinc ore, which is used in the production of slab zinc, zinc dust and zinc oxide. Ogdensburg will continue to ship ore to Palmerton for use in the production of zinc dust and zinc oxide. Although the Palmerton plant imports some zinc ore, these imports declined in the first seven months of 1980 compared to the like period of 1979.

The Austinville, Virginia plant of New Jersey Zinc (TA–W–11,271) supplied Palmerton with zinc concentrate which was used in the production of slab zinc. Since September, 1980 concentrate from Austinville has been shipped only to the Clarksville refinery. Prior to that date, declines in shipments of concentrate were attributable to the termination of slab zinc production at Palmerton.

The intermediate products produced at Austinville and Ogdensburg are directly intergrated into Company production of zinc products and are not sold to outside customers.

B. Zinc Oxide

With respect to workers producing zinc oxide, criterion (2) has not been met.

Sales and production of zinc oxide and chemical by-products remained relatively stable in quantity and increased in value in 1979 compared to 1978 and during the period Janaury to August, 1980 compared to the like period in 1979.

Workers at the Palmerton plant of New Jersey Zinc are not separately identifiable by product line. Workers produce various chemcial by-products accounting for a relatively small percentage of total production. Those chemicals include ammonia, sulfuric acid and carbon dioxide. Any import influence in these product lines could not have contributed importantly to overall employment declines at the firm.

C. Auxiliary Services

The Chestnut Ridge Railway Company, Palmerton, Pennsylvania provides rail transportation services integral to the production of slab zinc, zinc dust, zinc oxide and chemical by-products at the Palmerton, Pennsylvania plant of the New Jersey Zinc Company.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of Section 222 of the Trade Act of 1974. *See, e.g., Fortin* v. *Marshall,* 608 F.2d 525 (1st Cir. 1979). However, such workers may be certified if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

Workers at the Chestnut Ridge Railway (TA–W–11,165) provide rail services for that company's parent firm, the New Jersey Zinc Company. The services provided by the railroad are integral to the production of slab zinc, zinc dust, zinc oxide and chemical by-products at the Palmerton, Pennsylavania plant of the New Jersey Zinc Company (TA–W–10,251). Workers at the Palmerton plant of the New Jersey Zinc Company are being denied eligibility to apply for adjustment assistance benefits. This means that workers at the Chestnut Ridge Railway Company do not meet the conditions outlined above necessary to be certified eligible to apply for worker adjustment assistance.

Conclusion

After careful review, I determine that all workers of the Palmerton, Pennsylvania, Austinville, Virginia, and the Ogdensburg, New Jersey plants of the New Jersey Zinc Company and all workers of the Chestnut Ridge Railway Company, Palmerton, Pennsylvania are denied eligibility to apply for adjustment

assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of March, 1981.

Harry J. Gilman,

Supervisory Internotional Economist, Office of Foreign Economic Policy.

[FR Doc. 81-9650 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,937]

Pacemaker Driver Service, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

The investigation was initiated on September 22, 1980 in response to a petition which was filed by the Teamsters on behalf of workers engaged in the transportation of steel products to and from the Indianapolis Supply Center of the U.S. Steel Corporation's Steel Supply Division. The investigation revealed that the workers are employees of the Pacemaker Driver Service, Incorporated, Indianapolis, Indiana driving under an operational agreement between the Pacemaker Driver Service and the U.S. Steel Corporation.

The Pacemaker Driver Service, Incorporated does not produce an article within the meaning of Section 222(3) of the Act. The Department of Labor has consistently determined that the performance of services does not constitute production of an article, as required by Section 222 of the Trade Act of 1974; and this determination has been upheld in the U.S. Court of Appeals. Therefore, workers of Pacemaker Driver Service, Incorporated may be certified only if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

Even if, in this case, the Department could have found that the petitioning employees were *de facto* employees of the U.S. Steel Corporation, they still would not be eligible for trade adjustment assistance. The three-year contract betwen U.S. Steel and Pacemaker specified that Pacemaker had to supply four union drivers to U.S. Steel's Indianapolis Supply Center.

All workers at the Indianapolis Supply Center of the U.S. Steel Corporation's Steel Supply Division were previously denied eligibility to apply for adjustment assistance on May 17, 1980 (TA-W-7382).

Conclusion

After careful review, I determine that all workers of Pacemaker Driver Service, Incorporated, Indianapolis, Indiana driving under an operational agreement between the Pacemaker Driver Service and the U.S. Steel Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of March, 1981.

Harry J. Gilman,

Supervisory Internotionol Economist, Office of Foreign Economic Reseorch.

[FR Doc. 81-9651 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9560]

Timken Co., Roller Bearing and Specialty Steel Plants; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on July 28, 1980 in response to a petition which was filed by the United Steelworkers on behalf of workers at the Timken Company Plants, Canton, Ohio. Workers at the Canton plants produce tapered roller bearings and specialty steel.

The investigation revealed that criterion (3) has not been met.

A. Tapered Roller Bearings

Production of tapered roller bearings at Timken increased in value in 1979 compared to 1978, and in the first half of 1980 compared to the same period in 1979.

A Department of Labor survey revealed that Timken's surveyed customers reduced their overall reliance on imported tapered roller bearings in the first half of 1980 compared to the same period in 1979

Imports of tapered roller bearings by the Timken Company accounted for an insignificant portion of Timken's production.

B. Specialty Steel

The majority of the specialty steel products manufactured by Timken is sold to outside customers. A portion of the production is shipped to other Timken facilities for use in the manufacture of roller bearings.

Imports of alloy steel bars declined absolutely and relative to domestic shipments in 1979 compared to 1978, and declined absolutely in 1980 compared 1979. Relative alloy bar imports were stable in 1980 compared to 1979 at about six percent of domestic shipments.

Imports of alloy steel pipe and tubing declined absolutely in 1979 compared to 1978, and absolutely and relative to domestic shipments in the first nine months of 1980 compared to the same period in 1979.

Imports of roller bearings declined in quantity in 1979 compared to 1978, and in the first half of 1980 compared to the same period in 1979.

Conclusion

After careful review, I determine that all workers of the Timken Company, Roller Bearing and Specialty Steel Plants, Canton, Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of March, 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-9652 Filed 3-30-81; 8:45 am]

BILLING CODE 4510-28-M

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Amendment of Notice of System of Records

AGENCY: Office of Personnel Management.

ACTION: Notice; Amendment of Notice of System of Records.

SUMMARY: The purpose of this notice is to amend a previously published notice of a system of records by changing the system's name, by adding a clarifying word and sentence to the categories of individuals covered section, and by adding a sentence to the categories of records section that was inadvertently omitted.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: William H. Lynch, Work Force Information Division (202) 254-9790/9793.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its annual notices of Privacy Act systems of records on November 25, 1980 (45 FR 78378). Among those notices appeared OPM/GOVT-4, Executive Branch Public Financial Disclosure Records. The Office now intends to change the name of this system to make it more complete and to add a clarifying word and sentence to the "categories of individuals covered" section. Additionally, one sentence of the "categories of records" section was inadvertently omitted from that notice. The clarifying word and sentence will better describe covered individuals, while the omitted sentence stated that records developed in the course of administering the Act would, in addition to information furnished directly by the data subject, also be in this system of records. These changes are considered administrative in nature and do not require a filing of a report with Congress and the Office of Management and Budget. The complete text of the system name, categories of individuals covered, and categories of records sections, with revisions in italics appears below.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

OPM gives notice of a change to the system name, categories of individuals covered, and the categories of records sections of OPM/GOVT-4, Executive Branch Public Financial Disclosure Records system, as follows.

OPM/Govt-4

SYSTEM NAME:

Executive Branch Public Financial Disclosure *Reports and Other Ethics Program Records.*

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains *financial* records on: The President, Vice President, and candidates for those offices; officers and employees, including special Government employees, whose positions are classified at grades GS-16 and above or at an equivalent rate under another pay schedule; officers or employees in a position determined by the Director of the Office of Government Ethics to be of equal classification to GS-16; Administrative Law Judges; employees in the excepted service in positions which are of a confidential or policymaking nature unless an employee or group of employees is exempted by the Director of the Office of Government Ethics; each member of a uniformed service whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code; the Postmaster General, the Deputy Postmaster General, Governor of the Board of Governors of the U.S. Postal Service, and each officer or employee of the United States Postal Service whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS-16; the Director of the Office of Government Ethics and officials designated to act as agency ethics officers [designated agency ethics officials]; and nominees for positions requiring Senate confirmation. This system includes both former and current employees in these categories who have filed financial disclosure statements under the requirements of the Ethics in Government Act of 1978, as amended. *For the purpose of administering all provisions of the Ethics in Government Act of 1978, as amended, the system may contain information on any officer or employee of the Executive Branch.*

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains financial information such as salary, dividends, receipts from the purchase or sale of land, exchange of property, spouse's and children's interest earnings, funds from trust accounts, gifts, reimbursements, interest on property, and compensation for duties performed; information relating to liabilities in excess of $10,000; information about positions as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business, nonprofit organization, labor organization, or educational institution; information about non-Government employment agreements, such as leaves of absence to accept Federal service, continuation of payments by non-Federal former employers, and participation in prior non-Federal employer welfare and benefit plans; information about assets placed in trust pending disposal; *and other documents developed by the Director, Office of Government Ethics, or agency ethics officials in administering the Ethics in Government Act of 1978, as amended. Such other documents may include, but will not be limited to, information necessary for the rendering of advice or formal advisory opinions, or the resolution of complaints.*

* * * * *

[FR Doc. 81-9653 Filed 3-30-81; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-10978]

Jersey Central Power & Light Co.; Notice of Application and Opportunity for Hearing

March 24, 1981.

Notice is hereby given that Jersey Central Power & Light Company ("JCP&L) has filed an application pursuant to Section 310(b)(1)(ii) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of United States Trust Company of New York ("U.S. Trust") under two existing indentures of JCP&L is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify U.S. Trust from acting as trustee under both of such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in that Section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign.

Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualifed indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities or certificates of interest or participation in any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that its trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under both of such indentures.

JCP&L alleges that:

(1) Effective July 31, 1973, New Jersey Power & Light Company ("NJP"), a New Jersey corporation, was merged into JCP&L, a New Jersey corporation, the applicant herein, pursuant to a Certificate of Merger filed July 30, 1973 to become effective July 31, 1973.

(2) An aggregate of $72,080,000 principal amount of Debentures are currently outstanding under the JCP&L Indenture, dated as of October 1, 1963, as supplemented by five Supplemental Indentures thereto (the "JCP&L Debenture Indenture"). U.S. Trust is acting as Successor Trustee under the JCP&L Debenture Indenture, which is qualified under the Act.

(3) An aggregate of $7,460,000 principal amount of Debentures are currently outstanding under the Indenture, dated as of July 1, 1964, to The Chase Manhattan Bank (now The Chase Manhattan Bank (National Association)), Trustee, as amended by two Supplemental Indentures thereto (the "NJP Debenture Indenture"). The NJP Debenture Indenture is qualified under the Act.

(4) Upon the effectiveness of the merger of NJP into JCP&L, JCP&L assumed all of NJP's obligations under the NJP Debenture Indenture.

(5) The Chase Manhattan Bank (National Association), Trustee, under the NJP Debenture Indenture, has indicated to JCP&L that it desires to resign as Trustee, and U.S. Trust has indicated its willingness to assume the role of Successor Trustee under the NJP Debenture Indenture.

(6) The Debentures issued under the JCP&L Debenture Indenture and the Debentures issued under the NJP Debenture Indenture are unsecured obligations, of equal rank and without priority or preference of either one over the other.

(7) The default provisions of JCP&L and NJP Debenture Indentures are substantially similar.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is a public document on file in the office of the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than April 16, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9536 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11701; (812-4821)]

Nationwide Life Insurance Co. and MFS Variable Account; Notice of Filing of Application Pursuant to Section 11 of the Act for an Order Approving Certain Offers of Exchange

March 24, 1981.

Notice is hereby given that Nationwide Life Insurance Company ("Nationwide"), a stock life insurance company organized under the laws of Ohio, and MFS Variable Account ("Variable Account"), a separate account of Nationwide registered under the Investment Company Act of 1940 ("Act") as a unit investment trust (collectively "Applicants"), filed an application on February 11, 1981, pursuant to Section 11 of the Act for an order approving certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Variable Account was established by Nationwide in connection with the sale of individual deferred variable annuity contracts (the "Contracts"). Purchase payments under the Contracts are allocated to the Fixed Account and/or the Variable Account. Variable Account purchase payments are invested in share of one or more mutual funds which are registered under the Act. Under an order granted pursuant to Section 11 of February 12, 1979 (IC Release No. 10590), Contract Owners may request transfers of contract value between the Fixed Account, consisting of all the general assets of Nationwide other than those held in a segregated Variable Account, and any one or more of the sub-accounts of the Variable Account, each of which is comprised of the shares of one of eight mutual funds. Owners may also request transfers of Variable Account contract value among the Variable Account sub-accounts. With the addition to the Variable Account of a ninth mutual fund sub-account, the Massachusetts Financial International Trust ("MFI"), Applicants request approval of similar offers of exchange under Section 11.

Applicants request an order pursuant to section 11(a) and 11(c) to permit Contract Owners, upon written request, to transfer part or all of the MFI sub-account value to Nationwide's general account, or part or all of their general account contract value to the MFI sub-account. Such transfers must be made prior to the earlier of the annuity commencement date or the death of the designated annuitant. However, no such transfers will be premitted prior to the first contract anniversary, or within 6 months of any prior transfer. Applicants also propose to permit transfers of Variable Account contract values among the sub-accounts of the Variable Account, including the new MFI sub-account, pursuant to such terms and conditions as may be imposed by the mutual funds in which the sub-accounts of the Variable Account are invested. Both of the types of transfers described above shall be effected with no assessment of any kind of transaction or sales charge against Contract Owners for effecting such transfers.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company

to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(A) shall be applicable to any type of offer of the exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants assert that the proposed transfer rights will afford Contract Owners the flexibility of choice between Nationwide's general account investments and the shares of mutual funds having different investment objectives; and that the granting of these rights is in recognition of the potentially changing nature of the Contract Owner's investment objectives and retirement needs over the years.

Applicants further assert that the proposed transfers involve only a change in the Contract's underlying accumulation units, which are merely accounting units of measure to quantify contract value, and, thus, do not involve an exchange of a unit investment trust security for the security of any other investment company. However, to avoid any questions that might be raised as to the applicability of Section 11, Applicants are requesting an Order pursuant to Section 11, to the extent necessary, to permit the proposed offer of transfer rights described above.

Notice is further given that any interested person may, not later than April 17, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 17, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Managment, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–9537 Filed 3–30–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17653; File No. SR–Amex–81–4]

Self Regulatory Organizations; Proposed Rule Changes;

Proposed rule change by the American Stock Exchange, Inc.

American Stock Exchange, Inc., relating to options openings, trading rotations and options trading practices. Comments requested on or before April 21, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 16, 1981, the American Stock Exchange, Inc. 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 change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed changes to Rule 917 will amend procedures during opening rotations. First, the rule standardizes the use of the modified trading rotation in connection with all delayed openings, halts or suspensions of the underlying stock and after delayed openings, halts or suspensions of any option series listed for trading on the Exchange.

In addition, the rule changes require Specialists to announce to the trading crowd (i) prior to opening the first option series, any material imbalances in any series to be opened, and (ii) prior to opening each option series, any material imbalance in each such series. The rule also requires the Specialist to announce to the trading crowd a price indication which is at the tightest bid/ask interval (one-eighth point or one-sixteenth point), prior to effecting a transaction in an option series during a rotation.

The proposed changes to Exchange Rule 950 affect trading practices of Registered Options Traders ("ROTs"). Proposed Rule 950(b)(1) prohibits ROTs from leaving with the Specialist any market or limit orders in any option series of the same underlying security or from modifying any orders previously left with the Specialist after an opening indication has been announced in the first option series to be opened until the commencement of free trading in that series. After the opening indication is announced in the first series to be opened (but before free trading in a series) ROTs will be required to have their orders represented in the crowd. This rule does not in any way limit or prohibit the cancellation of ROT orders previously left with the Specialist.

Proposed Rule 950(b)(2) establishes a rule of precedence between ROTs. The rule grants precedence to market orders of ROTs left with the Specialist prior to the opening, over bids and offers of ROTs in the crowd. The rule in no way changes any existing rules of priority, parity or precedence between ROTs and public or off-Floor orders.

Proposed Rule 950(b)(3) deems opening market orders of ROTs left with the Specialist prior to the indication in the first series to be opened as "at the opening only orders". Such orders are not guaranteed complete executions at the opening, even though they are "market orders", and are cancelled to the extent they are not completed at the opening.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule changes are intended to improve the quality and efficiency of the Exchange's options marketplace, with special emphasis on option trading openings.

More specifically, the proposed changes are intended to standardize trading procedures, expedite openings,

and encourage a more competitive marketplace at the opening.

All these proposed rule changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to Exchange in that they facilitate options openings, encourage the more active paticipation at openings, standardize opening procedures to aid in greater public understanding, and will result in fair, orderly and more competitive openings. Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part that the rules of the Exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule amendments are intended to encourage participation by and competition among Registered Options Traders which will add additional depth and liquidity and, thus, better the options marketplace.

(C) Statement on Comments Received from Members Participants or Others

The proposed rule changes were considered and approved by the Exchange's Options Committee which is composed of Amex members and representatives of Amex organizations, after endorsement by that Committee's Sub-Committee on Trading Practices and Procedures. The Sub-Committee discussed the changes for many months with ROTs, Specialists and Floor Brokers prior to recommending the rule changes.

Comments on these proposed changes were solicited by the Options Committee but no written comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule 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 statement with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 21, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 24, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-9538 Filed 3-30-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0241]

Aspen Financial Corp.; Issuance of a License To Operate as a Small Business Investment Company

On October 21, 1980, a notice was published in the Federal Register (45 FR 69618), stating that an application had been filed by Aspen Financial Corporation, Suite 300, 654 East Northbelt, Houston, Texas 77060, with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business November 5, 1980, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06-0241, on March 10, 1981, to Aspen Financial Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 20, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-9560 Filed 3-30-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0184]

Grocers Capital Co., Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company (Grocers), 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal License under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1981)) for approval of a conflict of interest transaction.

Grocers proposes to loan $95,000 to Goodwin & Sons, Inc., 2299—190th Street, Crestline, California 90278. The proceeds of the loan will be used to purchase grocery store equipment from Grocers Equipment Company (G.E.C.).

All of Grocers stock is owned by subsidiaries of Certified Grocers of California, Ltd. (Certified), a retailer-owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by § 107.3 of SBA Rules and Regulations. As a result, Grocers financing of Goodwin & Sons, Inc. falls within the purview of § 107.1004(b)(5) of the SBA Regulations. Grocers loan to Goodwin & Sons, Inc., requires prior written apprval of SBA.

Notice is hereby given that any person may not later than 15 days from the date of this Notice submit written comments to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C., 20416.

A similar Notice shall be published in a newspaper of general circulation in the Crestline, California area.

(Catalog of Federal Domestic Assistance Programs, No. 95.001, Small Business Investment Companies)

Dated: March 24, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-9561 Filed 3-30-81; 8:45 am]

BILLING CODE 8025-01-M

Optional Peg Rate; April–June Quarter, 1981

The Small Business Administration publishes on a quarterly basis an interest rate called the optional "peg" rate (13 CFR 120.3(b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans.

For the April-June quarter of 1981, this rate will be twelve and seven-eighths (12⅞) percent.

Dated: March 24, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Financial Assistance.

[FR Doc. 81-9557 Filed 3-30-81; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Minneapolis, Minnesota, will hold a public meeting from 10:00 a.m. to 2:00 p.m., on Thursday, April 23, 1981, at the U.S. Small Business Administration, 100 North Sixth Street, Minneapolis, Minnesota, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Paul W. Jansen, District Director, U.S. Small Business Administration, 100 North Sixth Street, Minneapolis, Minnesota 55403—(612) 787-3531.

Dated: March 24, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-9559 Filed 3-30-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Tax Forms Coordinating Committee; Public Hearings and Request for Forms Suggestions

As part of its annual forms review process, the Internal Revenue Service will hold public hearings to receive comments and suggestions concerning its tax return forms, instructions, and related schedules. It should be emphasized that the comments may apply to any tax form issued by IRS. The hearings will be held in 4 separate cities on Thursday, April 30, 1981. The hearings will be held in Philadelphia, Pennsylvania, Dallas, Texas, St. Louis, Missouri, and Los Angeles, California beginning at 10 a.m. local time.

A person wishing to speak at one of these hearings should write or call the Internal Revenue Service at the address or phone number given below for the city of the particular hearings he or she plans to attend. If IRS is contacted by letter, the letter should be marked "Public Hearings on Forms" and should give both the return address and telephone number of the person desiring to speak.

The addresses and phone numbers to contact IRS regarding the hearings, as well as the hearing locations, are listed below:

Philadelphia

Internal Revenue Service, Attn: Public Affairs, P.O. Box 12899, Philadelphia, Pennsylvania, 19106; Phone: (215) 597-4245. *Hearing location:* Internal Revenue Service, Room 3306/10, 600 Arch Street, Philadelphia, Pennsylvania, 19106.

Dallas

Internal Revenue Service, Attn: Public Affairs, Mail Code 410, 1100 Commerce Street, Dallas, Texas, 75242; Phone (214) 729-1424. *Hearing location:* Earl Cabell Federal Building, Room 7A23, 1100 Commerce Street, Dallas, Texas, 75242.

St. Louis

Internal Revenue Service, Attn: Public Affairs, Box 1147, Central Station, St. Louis, Missouri, 63188; Phone: (314) 425-5660. *Hearing location;* University of Missouri—St. Louis, J. C. Penny Building Auditorium, 8001 Natural Bridge Road, St. Louis, Missouri, 63121.

Los Angeles

Internal Revenue Service, Attn: Public Affairs, P.O. Box 391, Los Angeles, California, 90053; Phone: (213) 688-4113. *Hearing location:* Los Angeles Federal Building, Room 8544, 300 N. Los Angeles Street, Los Angeles, California, 90012.

Although not required, it would be helpful to receive a copy of any written comments and suggestions a speaker may prepare. These should be sent to the appropriate mailing address listed above or may be left with the hearing panel on the day of the hearing.

In order to afford as many speakers as possible a chance to participate, each speaker's remarks will be limited to 10 minutes. Persons who have advised IRS that they wish to speak at the hearings will be notified in advance concerning the approximate time for their scheduled appearance. The last date for submitting requests to speak is April 22, 1981. However, it there is time remaining after scheduled speakers have been heard, the remaining time will be offered to persons in attendance not previously scheduled who wish to speak.

The panel for each hearing will be made up of representatives from the District Director's Office concerned and the National Office in Washington, D.C.

Request for Written Forms Suggestions

In addition to receiving comments at the public hearings, the Service also desires to receive written comments and suggestions for improving its tax return forms, instructions, and related schedules from those persons unable to attend the hearings. Again, it should be emphasized that the comments may apply to any tax form issued by IRS. The written submissions should be self-explanatory and in sufficient detail to communicate clearly what is being suggested. Careful consideration will be given to all comments and suggestions received. However, individual responses to the submissions will not be made because of the volume of correspondence involved.

In order to meet our work schedule and early printing deadlines, it is requested that written submissions be made on or before June 1, 1981.

Comments and suggestions should be sent to the Chairman, Tax Forms Coordinating Committee, Room 5577, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C 20224. Further information concerning this notice may be obtained by calling 202-566-6254.

Dated: March 26, 1981.

Approved:

Robert I. Brauer,

Director, Tax Forms and Publications Division.

[FR Doc. 81-9709 Filed 3-30-81; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 8-81]

G-1985 Series; Treasury Note

March 25, 1981.

The Secretary announced on March 24, 1981, that the interest rate on the notes designated Series G-1985, described in Department Circular—Public Debt Series—No. 8-81 dated March 12, 1981, will be 13⅜ percent. Interest on the notes will be payable at the rate of 13⅜ percent per annum.

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.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-9508 Filed 3-30-81; 8:45 am]

BILLING CODE 4810-40-M

DEPARTMENT OF ENERGY

Notice of Action on Consent Order With Amerada Hess Corporation

AGENCY: Department of Energy (DOE).

ACTION: Adoption of Proposed Consent Order As Final.

SUMMARY: The Offfice of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR § 205.199J that it has adopted the Consent Order with Amerada Hess Corporation, executed on January 6, 1981 and published for comment in 46 F.R. 8095 on January 26, 1981 as a final order of the DOE. The Consent Order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations for the period March 6, 1973 through July 31, 1980. In consideration for the Consent Order, Amerada Hess has agreed to refunds totalling $35 million.

As required by the regulation cited above, OSC received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Five comments were received. OSC has considered those comments and determined that the Consent Order should be made final without modification. The Consent Order is effective as an order of the DOE on the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, N.W., Room 3115, Washington, D.C. 20461, (202) 633-9165.

Copies of the Consent Order may be received free of charge by written request to: Hess Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Room 3109, Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C.

SUPPLEMENTARY INFORMATION:

The Consent Order

On January 26, 1981, OSC published notice in the **Federal Register** at page 8095, announcing the execution of a Consent Order between Amerada Hess and OSC. In compliance with DOE regulations, that notice, and a press release issued on January 21, 1981, summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

The Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of OSC's audit of Amerada Hess' compliance with the Mandatory Petroleum price and Allocation Regulations, including the entitlements and mandatory oil import programs, for the period March 1973 through July 1980 (the audit period). The Consent Order resolves all civil issues not previously resolverd concerning the allocation and sale of covered products during the audit period.

2. Refunds of $32 million will be made to public utility and state and local government purchasers of various fuel oil products.

3. $3 million will be paid to the Defense Fuel Supply Center.

4. Amerada Hess is to deduct $100 million from its bank of unrecouped increased costs of motor gasoline.

5. In addition to the foregoing, Amerada Hess is to commit, prior to December 31, 1982, to make investments of $400 million for new, expanded or accelerated projects for the production and enhanced recovery of domestic oil and gas and increased refinery capacity.

6. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Amerada Hess' obligations under certain DOE record keeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Amerada Hess. The Consent Order also provides that the company has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Amerada Hess, or a finding by OSC, of a violation of any federal petroleum price and allocation statutes or regulations.

Comments Received

OSC received three comments which were specifically addressed to this Consent Order, one from a manufacturer and two from public utilities. In addition, two organizations, the Transportation Group and the National Consumer Law Center, submitted comments that were addressed generally to all nine Consent Orders published for comment on January 26, 1981.

The Transportation Group, is an organization representing four trade associations—the Air Transport Association of America, Inc., the American Bus Association, the American Trucking Association, Inc., and the Association of American Railroads—whose members are major consumers of refined petroleum products. The Transportation Group expressed its approval of OSC's enforcement efforts and the settlement process which resulted in the consent orders announced in the January 26, 1981 **Federal Register** notices. The organization also evinced the following concerns regarding the nine consent orders: OSC should try to identify overcharged purchasers or categories of purchasers in order to provide for direct refunds or payments based volumetrically on the amount of petroleum products purchased; transportation firms should receive a larger share of the refunds than they have heretofore and OSC should provide additional information concerning refund amounts and methods of refund computation.

The Department's aim in structuring remedies is to achieve some form of restitution. To the extent that the Department's expedited audits identified violations to individual purchasers or classes of purchasers, the consent orders contain restitutionary remedies on their behalf. However, the audits cannot always establish an identification of specific overcharged customers.

The reasons the audits do not ordinarily result in the identification of specific customers are as follows: First,

audits are necessarily conducted on a sample basis and, as such, may not focus on specific purchasers, even where they generally identify aggregate violations regarding specific products to classes of purchasers. Second, these audits focus predominantly on "cost violations" and because of the nature of the regulations, would require tracing the violation to specific product sales, a difficult, if not impossible, task. Third, these violations occurred as much as seven years ago, and given the mobility within the distribution chain, it would be extremely difficult to identify and locate injured customers. Finally, purchasers of products from a major refiner may have resold those products to others, passing on the consequences of any violation to their customers. However, as stated previously, the Department's priority is to seek remedies which achieve some form of restitution, wherever possible. In order to effect an equitable distribution of monies, the refunds have generally been determined according to a volumetric allocation based on the amount of product purchased by the recipient.

The Transportation Group accurately notes that OSC has previously determined that the refunds received by regulated transportation firms will not constitute a "windfall" to the recipients. OSC's review of the operation of the agencies which regulated transportation companies and their applicable regulations indicate that refunds are factored into the fuel cost aspects of their rate making systems. Similarly, OSC is examining the passthrough of refunds by utilities to end users. To that end, OSC contacted the public service commissions for the states in which the recipient utilities were located as well as a number of utilities themselves. They have agreed that receipt of any refund is contingent upon the passthrough of the refunds by the utilities to consumers. It has been determined that the customers of the utilities will receive the benefit of the refunds by operation of a fuel adjustment clause in which the refund would appear as an offset to fuel costs in the computation of any fuel adjustment factor, or in the reconciliation of current costs or, finally, reflected as direct credit to customers. OSC also obtained assurances that the passthrough will be documented either in public records or through the assistance of the staffs of the various utilities and commissions.

The Transportation Group's comment with regard to other remedies, e.g., that any benefit to the bank reduction remedy is compromised and made meaningless with the advent of decontrol, has been dealt with below.

The National Consumer Law Center (NCLC), a non-profit legal organization representing low-income individuals and groups, submitted comments that, while generally addressing all nine Consent Orders published for comment on January 26, 1981, raised several issues that are pertinent to this Consent Order.

Although the NCLC initially recognizes that the "limited flow of information * * * is admittedly somewhat inherent in the nature of the private settlement/public comment process," the NCLC nevertheless complains that the consent orders and Federal Register notices are "extremely skimpy on relevant detail. * * *" The DOE regulations, at 10 CFR § 205.199J(a), require that a Consent Order "set forth the relevant facts which form the basis for the Order." The Consent Order itself indicates that "[i]t settles and finally resolves all civil and administrative claims and disputes * * * relating to Amerada Hess' compliance with the federal petroleum price and allocation regulations * * *" and further lists in ¶304 some of the audit areas covered in OSC's audit of Amerada Hess. Because the Consent Order constitutes neither an admission by the company nor a finding by DOE that Amerada Hess has violated any federal petroleum price or allocation regulation, it would not be appropriate, as the NCLC suggests, to detail and quantify in the Consent Order the preliminary claims and issues that arose in the course of the settlement negotiations and to relate those claims and issues to the terms and conditions of the Consent Order. Further, as NCLC acknowledges, to reveal how OSC and the company arrived at the dollar figures for the various components of the settlements would breach the confidentiality necessarily accorded to the negotiation process and would impinge upon OSC's prosecutorial discretion. Thus, OSC believes that it has provided the necessary information in the Consent Order and Federal Register notice to enable the public to comment meaningfully upon this settlement.

The NCLC also maintains that the consent orders do not provide adequate benefits, focusing particularly on the bank reduction provisions, and the "heavy reliance" placed on them in these settlements. NCLC seeks renegotiation of the agreements to convert the bank reductions to some cash value.

In the process that leads to settlement, OSC determines the potential liability of a refiner based on its audit of that refiner. That audit addresses all areas of dispute under the price regulations. As a result, the disputes focus on issues of the determination, recognition, allocation and carryover of costs, which form the basis for the determination of maximum lawful selling prices. Because of the carryover or banking provision, a refiner may have lawful costs available from previous periods to offset disputes in later months. The existence of those legitimate costs militates against the existence of overcharges. In litigation, a refiner is likely to argue that those banks obviate the possibility of overcharge. Thus, in determining a firm's potential liability, two factors are addressed: the legitimacy of the costs claimed and banked and the potential for overcharges, given the existence of banks and a firm's pricing practices. In reaching settlement, OSC determined the amount of cash refund necessary to reasonabley settle any possible overcharges, and the amount of bank reduction appropriate to settle the cost disputes.

Bank reductions are appropriate to remedy certain types of disputes resulting from the audit. In negotiating the bank reduction in this case, OSC sought a reduction to the lowest level consistent with allowing the refiner to maintain, but not increase prices as a result of the existence of banks. In the case of Amerada Hess, the Consent Order requires a bank reduction of $100 million to be implemented at the end of the first calendar month following the month in which the consent Order is made effective. That amount was determined to be a satisfactory settlement of the outstanding cost issues. We disagree that these provisions are "essentially worthless", as alleged by NCLC. It is true that, in light of decontrol, the bank reduction cannot have the *prospective* effect anticipated at the time the Consent Order was executed: If the bank reduction were to take place while gasoline were still controlled, the reduction in the bank of costs available to support prices would have placed a restriction on Amerada Hess's ability to increase prices. However, Amerade Hess's pricing practices since the close of the Consent Order period, July 31, 1980, remain subject to audit. The pricing of gasoline by Hess during this intervening period necessarily contemplated the requirement that at least $100 million of accured costs remain to satisfy the reduction in banks called for by the Consent Order. Accordingly, the terms of the order calling for bank reductions have

conferred a benefit on Amerada Hess purchasers during the last 6 months of price controls.

NCLC questioned the use of capital investment commitments on similar grounds. The investment commitments are not directly restitutionary in nature. Rather, they work to the indirect benefit of the public by providing incremental domestic exploration and production, and expanded or improved refining capacity, all of which are designed to reduce dependence on foreign crude oil and foreign petroleum products.

In addition to its comments on the bank reduction components of the settlements, the NCLC also raises several points concerning the settlements' cash components. Of relevance here, the NCLC expresses concern that the refunds to many of the refiners' immediate purchasers may not be passed through to ultimate consumers. Each of these settlements utilizes "conduits" for passing a substantial portion of the refunds through to ultimate consumers. OSC chose as conduits, regulated industries, such as the utility and transportation industries, for which some mechanism exists to assure a passthrough of benefits to their customers and state and local government entities that purchased petroleum products in their proprietary capacities. Specifically identifying the refund recipients in the consent orders would not only be cumbersome in those instances in which there are a large number of such recipients, but by revealing a firm's customers it would also disclose confidential and proprietary commercial information. Refunds to these conduits are, therefore, intended to provide general restitution to those unidentifiable ultimate consumers who, through their utility, transportation, or tax bills, may have borne any overcharges that did occur.

The comment received from the industrial concern, a paper and chemical producer, was that refund recipients should include industrial customers who made significant purchases.

OSC's policy is stated in some detail in response to the comment by the Transportation Group and the NCLC. The guiding principle has been to afford restitution wherever possible but to assure benefit to the ultimate consumer in as efficient a manner as possible.

OSC designated public utilities as the recipients of payments as a means of benefiting ultimate consumers, which includes commercial and industrial concerns. Virtually all public utilities are regulated to limit rates through the use of cost passthrough mechanisms, such as fuel adjustment clauses or rate making hearings. Increases and decreases are passed through to the public in the form of adjustments on their utility bills. As noted above, OSC has been assured that all money returned to utilities will be passed through to consumers. The public utility commissions have been most cooperative in our efforts to ensure that the public will be the beneficiary of the refunds.

The other refund mechanisms, to state and local governments and transportation firms, were also adopted for their ability to benefit the public. While we have provided for refunds to major industrial customers where the purchases are significant, and readily indentifiable, to assure public benefit, we have emphasized refunds where passthrough can be predetermined.

Comments from public utilities questioned the amount of the refunds they are to receive as a result of the volumes purchased during the period covered by the Consent Order. This matter has been reconciled in our audit of the allocation of the refunds. It should be noted that volumes purchased after decontrol of a particular product were not taken into account in determining the amount of the refund.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Amerada Hess should be made final without modification, effective upon publication of this notice.

Issued in Washington, D.C. March 27, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-9862 Filed 3-30-81; 10:41 am]

BILLING CODE 6450-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 61
Tuesday, March 31, 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).

CONTENTS

1

[M-310 AMDT 4]

CIVIL AERONAUTICS BOARD.

Addition and closure of items for the March 24, 1981 meeting

March 25, 1981.

TIME AND DATE: 10 a.m., March 24, 1981.

PLACE:

Room 1027 (Open Meeting)—1825 Connecticut Avenue, N.W.
Room 1012 (Closed Meeting)—Washington, D.C. 20428.

SUBJECT:

Addition: 25. OMB request for comments of DOT bill to accelerate the sunset of the Board and the transfer of its remaining functions to October 1, 1982. (OGC)
Addition and closure: 26. Discussion of CAB legislative package concerning early sunset (OGC)
Addition and closure: 26a. Draft bill on subsidy cost reduction (OGC, BDA)

STATUS: Items 26 and 26a are closed.

PERSON TO CONTRACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-513-81 Filed 3-27-81; 3:57 pm]

BILLING CODE 6320-01-M

2

[USITC SE-81-7]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, April 9, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation TA-203-7 (Nonrubber Footwear)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-509-81 Filed 3-27-81; 11:10 am]

BILLING CODE 7020-02-M

3

[NM-81-10]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Tuesday, April 7, 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:* Ramming of the Sunshine Skyway Bridge by the Liberian Bulk Carrier *Summit Venture,* Tampa Bay, Florida, May 9, 1980, and *Recommendations* to the U.S. Coast Guard, the Federal Highway Administration, and the State of Florida.
2. *Railroad Accident Report:* Rear-End Collision of Union Pacific Railroad Company's Freight Train Extra 3749 West with Extra 3557 West, Near Hermosa, Wyoming, on October 16, 1980, and *Recommendations* to the Union Pacific Railroad Company and the Association of American Railroads.
3. *Marine Accident Report:* United States Tankship S/S *Texaco North Dakota* and Artificial Island EI-361-A, Collison and Fire, Gulf of Mexico, August 21, 1980, and *Recommendations* to the U.S. Coast Guard, the Defense Mapping Agency, and Texaco, Inc.
4. *Special Study:* Motor Vehicle Collisions With Trees Along Highways, Roads, and Streets: An Assessment, and *Recommendations* to the Federal Highway Administration, the National Highway Traffic Safety Administration, the National League of Cities, the National Association of Towns and Townships, the National Association of Counties, and the International Association of Chiefs of Police.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

March 27, 1981.

[S-510-11 Filed 3-27-81; 11:48 am]

BILLING CODE 4910-58-M

4

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-11]

TIME AND DATE: 9 a.m., Friday, April 10, 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:* Brazilian Bulk Carrier M/V Frotaleste Collision with Portuguese Freighter M/V *Cuene,* January 22, 1980; Resolution of issuing majority opinion with report.
2. *Letter* to Air Line Pilots Association regarding Petition for Reconsideration of Probable Cause, National Airlines, Inc., Boeing 727, NA7444A, Escambia Bay, Pensacola, Florida, May 8, 1978.
3. *Recommendation* to the Federal Aviation Administration regarding Dissemination of Information on Dynamic Rollover Characteristics of Single-Rotor Helicopters.
4. *Special Study Proposal:* Excess Flow Valves in Gas Distribution Systems.
5. *Letter* to American Train Dispatchers Association regarding Petition for Reconsideration of Findings Contained in *Railroad Accident Report* Head-End Collision of Nine Burlington Northern Locomotive Unit With a Standing Freight Train, Angora, Nebraska, February 16, 1980.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

March 27, 1981.

S-511-81 Filed 3-27-81; 11:48 am]

BILLING CODE 4910-58-M

5

POSTAL SERVICE.

Board of Governors Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 3:00 P.M. on Monday, April 6, in Room 900, and at 9:00 A.M. on Tuesday, April 7, 1981, in Room 923, at Eastern Regional Headquarters, 1845 Walnut Street, Philadelphia, Pennsylvania. Except as indicated in the following paragraphs, these meetings are open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about these meetings should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

At its meeting of March 2 and 3, 1981, the Board of Governors of the United

States Postal Service unanimously voted to close to public observation its meeting scheduled for April 6, 1981. Each of the members of the Board present voted in favor of closing the meeting, which is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Ching, Hughes, Hyde, Jenkins and Sullivan; Postmater General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano.

One portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in anticipated collective bargaining negotiations. Another portion will consist of a discussion of prospects for identifying additional measures to curb postal deficits.

Agenda

Monday Afternoon Session (Closed)

1. Discussion of Possible Strategies and Positions in Anticipated Bargaining Negotiations.
2. Discussion of prospects for identifying measures to deal with appropriations reductions and other revenue deficiencies.

Tuesday Session (Open)

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.

(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)

3. Compensation Adjustment for Officers.

(The Board will discuss adjustments in the compensation of certain officers.)

4. Report on Finance Group Programs.

(Mr. Finch, Senior Assistant Postmaster General, will provide a report on certain programs of the Finance Group.)

5. Report of the Regional Postmaster General.

(Mr. Carlin, Regional Postmaster General, will report on postal conditions in the Eastern Region.)

6. Discussion of Rate Incentives for Use of Expanded ZIP Code.

(The Board will review a proposed filing with the Postal Rate Commission on rate changes for use of expanded ZIP Code.)

7. Capital Investment Project.

Reconsideration of Boiler Plant at the Chicago Main Post Office

(The Board will reconsider the capital investment approved last August for a new boiler plant at the Chicago Main Post Office in light of the question whether the plant should be fueled by natural gas.)

Louis A. Cox,

Secretary.

[S-512-81 Filed 3-27-81; 2:08 pm]

BILLING CODE 7710-12-M

6

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, March 20, 1981.

CHANGES IN THE MEETING: Additional meeting. The following item was considered at a closed meeting scheduled for Wednesday, March 25, 1981, at 3:30 p.m.

Formal order of investigation, trading suspension, litigation, and injunctive action.

Commissioner Friedman, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272-2178.

March 26, 1981.

[S-508-81 Filed 3-27-81; 10:28 am]

BILLING CODE 8010-01-M