

federal register

Friday
March 6, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C., see announcement in the Reader Aids section at the end of this issue.

- 15491 World Trade Week** Presidential proclamation
- 15668 Continental Shelf** Interior/BLM provides affected States an opportunity to review Sale No. RS-1 in the offshore waters of the Gulf of Alaska (Part III of this issue)
- 15496 Oil and Gas** SEC releases rule regarding financial reporting by oil and gas producers
- 15498 Natural Gas** DOE/FERC revises, on an interim basis, the methodology for calculating the monthly alternative fuel price ceilings for State regions; effective 3-2-81; comments by 4-13-81
- 15533 Grant Programs—Energy** DOE announces availability of grants for States in Region VII (Iowa, Kansas, Missouri, and Nebraska) under the Appropriate Technology Small-Scale Energy-Related Technologies Program; apply by 4-20-81

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

Highlights

- 15533 Grant Programs—Energy** DOE announces that it invited applications from States located in Region I for funding of projects in support of the Small-Scale Hydroelectric Development Program; application deadline was 3-2-81
- 15512 Energy** DOE/FERC solicits comments by 3-18-81, regarding policies on preliminary permits for hydropower projects
- 15569 Air Pollution Control** EPA announces the availability of a second draft on air quality criteria for particulate matter and sulfur oxides; comments by 5-5-81
- 15512 Polychlorinated Biphenyls** USDA/FSQS holds in abeyance a proposed rule regarding the prohibition of polychlorinated biphenyls, PCB-containing equipment or machinery and liquid PCB in federally inspected meat and poultry product establishments and egg product plants
- 15518 Polychlorinated Biphenyls** HHS/FDA holds in abeyance proposed rules on polychlorinated biphenyls (PCB's) in sealed electrical transformers or capacitors used to store food
- 15500 Color Additives** HHS/FDA removes stay of regulation on the listing of lead acetate as a color additive in cosmetics that color the hair on the scalp; effective 3-3-81
- 15519 Dental Health** HHS/FDA proposes to extend the comment period on the proposed rules for the classification of all dental devices; comments by 4-1-81
- 15504 Passports and Visas** State alters its regulations relating to the validity, termination, and replacement of a visa; effective 3-6-81
- 15634 Minimum Wages** Labor/W&H, ESA publishes the basic hourly wage rates and fringe benefit payments for certain classes of laborers and mechanics employed on construction projects (Part II of this issue)

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- 15581** Interior/Sec'y
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Presidential Documents

Title 3—

Proclamation 4823 of March 3, 1981

The President

World Trade Week, 1981

By the President of the United States of America

A Proclamation

International trade is an important means of furthering America's friendly international relations and of bettering the lives of all Americans.

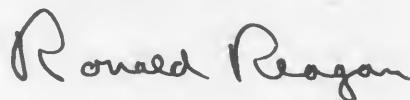
Trade stimulates competition, stirs our creative energies, rewards individual initiative and increases national productivity. Among nations, it speeds the exchange of new ideas and technology.

As products made in this country compete successfully in world markets, we contribute to the strength and stability of our dollar, the expansion of our industry and fuller employment of our labor force.

For these reasons, the United States remains firmly committed to an active world trade role in the context of an increasingly interrelated international economy. A reciprocal spirit of world cooperation, permitting fair trade and investment between our country and the rest of the world, is indispensable to all of us.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 17, 1981, as World Trade Week, and I urge the people of the United States to cooperate in observing that week with activities that promote the importance of trade to our national well-being at home and abroad.

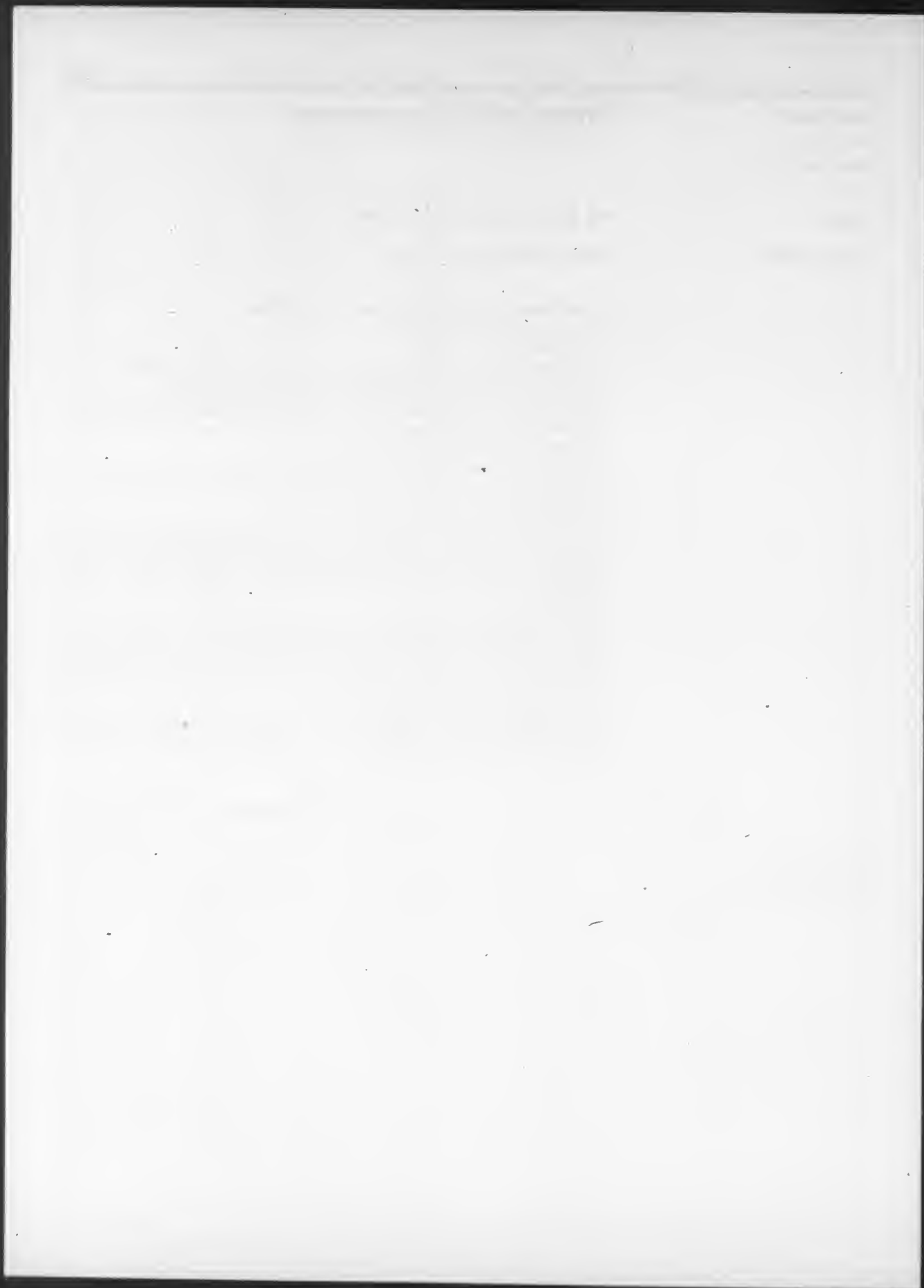
IN WITNESS WHEREOF, I have hereunto set my hand this third day of March in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.



[FR Doc. 81-7308

Filed 3-4-81; 2:35 pm]

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Rules and Regulations

Federal Register

Vol. 46, No. 44

Friday, March 6, 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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 295; Lemon Reg. 294, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period March 8-14, 1981, and increases the quantity of lemons that may be shipped during the period March 1-7, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemons industry.

DATES: The regulation becomes effective March 8, 1981, and the amendment is effective for the period March 1-7, 1981.

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

SUPPLEMENTARY INFORMATION: *Findings.* This is not a major rule under E.O. 12291. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980-81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on March 3, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues good.

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

1. Section 910.595 is added as follows:

§ 910.595 Lemon regulation 295.

The quantity of lemons grown in California and Arizona which may be handled during the period March 8, 1981, through March 14, 1981, is established at 240,000 cartons.

2. Section 910.594 Lemon regulation 294 (46 FR 14339) is revised to read as follows:

§ 910.594 Lemon regulation 294.

The quantity of lemons grown in California and Arizona which may be handled during the period March 1, 1981, through March 7, 1981, is established at 250,000 cartons.

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

Dated: March 4, 1981

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 81-7395 Filed 3-5-81; 11:40 pm]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 2024

Property and Supply-Procurement, Sales, and Leasing Authority

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) removes an internal agency regulation pertaining to property and supply from the Code of Federal Regulations (CFR) since continued publication of this regulation is unnecessary. The intended effect of this action is to remove an unnecessary management regulation from the CFR.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: N. Eric Rierson, Acting Director, Business Services Division, FmHA, Room 6347, South Agriculture Building, Washington, D.C. 20250, telephone (202) 447-4495.

SUPPLEMENTARY INFORMATION: This Instruction does not directly affect any FmHA programs or projects which are subject to A-95 clearinghouse review. This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been determined to be exempt from those requirements. Mr. N. Eric Rierson, Acting Director, Business Services Division, FmHA made this determination because it involves only agency management and Federal Procurements. This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of the changes is administrative in nature and publication for comment is unnecessary.

PART 2024—PROPERTY AND SUPPLY—[REMOVED]

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended by removing and reserving Part 2024.

(5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70)

Dated: February 9, 1981.

H. Allan Brock,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-7245 Filed 3-5-81; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 75

Contagious Equine Metritis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations in 9 CFR Part 75 to provide a method for the release of breeding mares that are under Federal quarantine as exposed to or affected with contagious equine metritis (CEM). The intended effect of this action is to provide a means to release breeding mares from Federal quarantine when they are determined to be free of CEM. This amendment is necessary to provide a method of releasing certain breeding mares from Federal quarantine.

DATES: Effective date March 3, 1981.

Comments on or before May 5, 1981.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph C. Knowles, USDA, APHIS, VS, Sheep, Goat Equine, and Ectoparasites Staff, Room 735, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8433.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." The emergency nature of this action makes it impracticable for

the agency to follow the procedures of Executive Order 12291 with respect to this rule.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action.

Since the breeding season for Thoroughbred horses starts on February 15, this amendment should be made effective immediately in order to permit affected persons to move breeding mares within the United States or elsewhere without undue restrictions when determined to be free of CEM.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the Federal Register as soon as possible.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this amendment provides a method of relieving Federal quarantine for CEM on a total of 89 mares presently under Federal quarantine that have been considered affected with or exposed to CEM; therefore, only the owners of those horses would be affected. This compares with a total of 6 to 8 million horses presently living in the United States.

CEM, a highly contagious and communicable disease of equidae, was diagnosed among stallions and breeding mares of the Thoroughbred breed in the Commonwealth of Kentucky and of the Trakehner breed in the State of Missouri in 1978 and 1979, respectively. The present regulations, among other things, quarantine and restrict the interstate movement of CEM affected and exposed breeding mares from Kentucky and Missouri. This amendment provides a method for the quarantined breeding mares to be considered free of CEM in order to allow the release of those mares from Federal quarantine.

During the period from February 1979 to August 1980, the State of Kentucky in cooperation with the Kentucky horse industry completed more than 56,000 Complement Fixation Tests (CF) and 10,000 bacteriological cultures on Thoroughbred mares in the State. Included in these tests were the 48 mares affected with and 31 mares exposed to CEM which are presently under Federal quarantine in Kentucky. These tests were used both as a screening method to detect CEM in the Thoroughbred horse population and as a method to qualify a mare to be eligible for breeding. No evidence of the disease was found.

In the Trakehner horse population in the State of Missouri, all mares in the herds commingled with horses affected with or exposed to CEM were subjected to 180 culture tests and 70 CF Tests. Included in these tests were the 5 mares affected with and the 5 mares exposed to CEM which are presently under Federal quarantine. Again, no evidence of the disease was found.

Experience in England and the United States has shown that the clitoral sinuses and the clitoral fossa are the most common sites for harboring CEM bacteria after the acute disease has subsided. Due to the minute size of the clitoral sinuses it is difficult to obtain satisfactory specimens for culturing by swab, as well as difficult to adequately treat such areas for CEM.

However, the Department believes that there will not be any risk of spread of CEM by breeding mares presently under Federal quarantine if they have their clitoral sinuses removed and have their external genitalia and vaginal vestibule cleaned and washed with certain antimicrobials capable of killing CEM bacteria for five consecutive days, with certain additional tests to assure that the breeding mare is free of CEM before it is released from Federal quarantine. Therefore, this regulation requires the surgical removal of the clitoral sinuses (clitoral sinusectomy) and the collection of specimens by an accredited veterinarian and the testing of such specimens by a State or Federal animal disease diagnostic laboratory (laboratory) as a method to insure freedom from CEM.

A specimen (swab) shall be collected from the clitoral fossa within two hours prior to the removal of the clitoral sinuses. This specimen must be submitted to a laboratory for culture. Each of the clitoral sinuses shall be placed in a container after removal. The clitoral sinuses must be received by a laboratory for culture within 6 hours of removal. The collection of these

specimens and their culture are necessary to identify those breeding mares which are still harboring the CEM bacteria and are in need of additional treatment before release of the Federal quarantine.

For 5 consecutive days, beginning the seventh day after removal of the clitoral sinuses, the external genitalia and vaginal vestibule including the clitoral fossa shall be aseptically cleaned and washed (scrubbed) with a solution of not less than 2 percent chlorhexidine in a detergent base. The clitoral fossa shall be filled (packed) and the external genitalia and vaginal vestibule shall be coated with an ointment of not less than 0.2 percent nitrofurazone. The 5 consecutive days' post-surgical treatment is necessary to remove any contamination or possible spread of the CEM organism during the surgical procedure. This post-surgical treatment must be postponed until 7 days after surgery to allow the horse to heal.

Postsurgical cultures are required to provide further evidence that the mare is free of CEM. After an interim of 7 days following the fifth consecutive day of scrubbing and coating the external genitalia and vaginal vestibule and filling the clitoral fossa, for pregnant breeding mares, 3 specimens shall be collected from the clitoral fossa, at intervals of not less than 7 days between the collection of each specimen and each such specimen shall be submitted to a laboratory for culture. Seven days after foaling, one such specimen shall be collected from the endometrium of the uterus of the breeding mare and one specimen from the foal. If the foal is female, this specimen shall be collected from the vaginal vestibule and if the foal is male, this specimen shall be collected from the prepuce. Each such specimen shall be submitted to a laboratory for culture.

For nonpregnant breeding mares for which complement fixation and culture tests for CEM have been conducted during 2 years before the surgery referred to above and for which records have been kept of all such tests and such records disclose that such tests conducted were negative, one specimen shall be collected from the endometrium of the uterus during estrus and shall be submitted to a laboratory for culture. All other nonpregnant breeding mares shall have three sets of specimens collected from the endometrium of the uterus and clitoral fossa at an interval of not less than 7 days between the collection of each set of specimens with one set of specimens to be collected during estrus. Each specimen shall be submitted to a laboratory for culture.

Breeding mares with any positive culture for CEM on specimens collected pursuant to this release procedure shall not be released from Federal quarantine. For such breeding mares, three additional separate sets of specimens shall be collected from the endometrium of the uterus and clitoral fossa at an interval of not less than 7 days between each set. The third set of specimens shall be collected not less than 1 year from the date of the last positive culture and collected during estrus. All three subsequent sets of cultures must be negative for CEM to qualify the mare for release from Federal quarantine. Experience has shown that many mares will cleanse themselves of the CEM organism, and this 1-year time period is believed to be a more effective method to provide freedom from CEM than antibiotic therapy. The third set of specimens are to be collected during estrus because this will better assure that any CEM in the mare will be detected.

Intervals of not less than 7 days between the topical treatment and the first collection of specimens and between each set of specimens is necessary to allow any CEM organisms which may exist to grow, so that they may be detected. The Department is requiring 3 sets of specimens because swabbing to collect specimens is not a precise technique. The experience of equine practitioners in Kentucky who have tested horses affected with CEM indicates that 3 sets of specimens collected from the prescribed anatomical areas at least seven days between each set, provides a sufficient diversity of specimens so that a test of such specimens for CEM is extremely accurate.

Accordingly, Part 75, Title 9, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 75 reads as follows:

Authority: Sections 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), 37 FR 28464, 28477; 38 FR 19141.

2. In 9 CFR, Part 75 § 75-10 is added to read:

§ 75.10 Procedures for breeding mares to be released from Federal quarantine because of CEM.

(a) Any breeding mare which is affected with or exposed to CEM and which is under Federal quarantine for CEM may be released from Federal quarantine only if the breeding mare has met all the requirements of this section and all specimens required by this section to be submitted to a State or

Federal animal disease diagnostic laboratory are cultured and found negative for CEM, except as provided in paragraph (d) of this section.

(b) *Presurgical and surgical requirements.* (1) Within 2 hours prior to surgery required under paragraph (b)(2) of this section, a specimen shall be collected from the clitoral fossa of the breeding mare by an accredited veterinarian and submitted to a State or Federal animal disease diagnostic laboratory for culture.

(2) The clitoral sinuses of the breeding mare shall be removed surgically by an accredited veterinarian.

(3) The clitoral sinuses of the breeding mare shall be placed in a container after removal and received by a State or Federal animal disease diagnostic laboratory for culture within 6 hours of removal.

(c) *Post surgical requirements.* (1) For 5 consecutive days, beginning the seventh day after removal of the clitoral sinuses, an accredited veterinarian shall aseptically clean and wash (scrub) the external genitalia and vaginal vestibule, including the clitoral fossa with a solution of not less than 2 percent chlorhexidine in a detergent base and then fill the clitoral fossa and coat the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurazone.

(2) After an interim of 7 days following the 5th consecutive day of scrubbing the external genitalia and the vaginal vestibule and filling the clitoral fossa:

(i) For any pregnant breeding mare, an accredited veterinarian shall collect three separate specimens from the clitoral fossa at an interval of not less than 7 days between the collection of each specimen and shall submit each specimen to a State or Federal animal disease diagnostic laboratory for culture. Seven days after foaling, an accredited veterinarian shall collect one specimen from the endometrium of the uterus of the breeding mare and one specimen from the foal and each specimen shall be submitted to a State or Federal animal disease diagnostic laboratory for culture. If the foal is female, this specimen shall be collected from the vaginal vestibule and, if male, from the prepuce.

(ii) For any nonpregnant breeding mare for which complement fixation and culture tests for CEM were conducted during the two year-period immediately before the surgery required in this section, and for which records have been kept of all such tests, which disclose that all the tests conducted were negative, an accredited

veterinarian shall collect one specimen from the endometrium of the uterus during estrus and shall submit the specimen to a State or Federal animal disease diagnostic laboratory for culture.

(iii) For any nonpregnant breeding mare, other than provided in paragraph (c)(2)(ii) of this section, an accredited veterinarian shall collect three separate sets of specimens from the endometrium of the uterus and clitoral fossa at an interval of not less than 7 days between the collection of each set of specimens with one set of specimens to be collected during estrus and shall submit each specimen to a State or Federal animal disease diagnostic laboratory for culture.

(d) If any specimen required by this section is found to be positive for CEM, the breeding mare shall not be released from Federal quarantine except as provided in this paragraph. For such breeding mare, an accredited veterinarian shall collect three additional separate sets of specimens from the endometrium of the uterus and clitoral fossa at not less than 7-day intervals between each set and shall submit each specimen to a State or Federal animal disease diagnostic laboratory for culture. The third set of specimens shall be collected not less than 1 year from the date of the last positive culture and shall be collected during estrus. If the three additional sets of specimens are all negative for CEM, the breeding mare may be released from Federal quarantine.

All written submissions made pursuant to this emergency final regulation will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the *Federal Register*.

Done at Washington, D.C., this 3d day of March 1981.

J. K. Atwell,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-7128 Filed 3-5-81; 8:45 am]
BILLING CODE 3410-34-M

METRIC BOARD

15 CFR Part 503

Metric Board Organization

AGENCY: United States Metric Board.

ACTION: Final rule.

SUMMARY: The United States Metric Board has moved its headquarters and renamed one of its principal staff units. Those actions are reflected in these amendments.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel B. Peysers, Deputy General Counsel, U.S. Metric Board, 1600 Wilson Boulevard, Suite 400, Arlington, Virginia 22209, telephone (703) 235-2917.

15 CFR Part 503 is amended by revising § 503.2 to read as follows:

§ 503.2 Agency headquarters.

The headquarters and principal place of business of the Agency is located at 1600 Wilson Boulevard, Suite 400, Arlington, Virginia 22209, telephone (703) 235-1933.

Part 503 index and §§ 503.8, 503.18, 503.22 [Amended]

In addition to the amendment set forth above, 15 CFR Part 503 is amended by removing the words "Administrative Services and Finance" and inserting, in their place, the words "Resource Management" in the following places:

- (a) 15 CFR Part 503 Index.
- (b) 15 CFR 503.8(e).
- (c) 15 CFR 503.18(b)(4).
- (d) 15 CFR 503.22 (Catchline).

Malcolm E. O'Hagan,

Executive Director.

[FR Doc. 81-7174 Filed 3-5-81; 8:45 am]

BILLING CODE 6820-94-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release Nos. 33-6294; 34-17581; 35-21936; IC-11650; AS-289]

Financial Reporting by Oil and Gas Producers

AGENCY: Securities and Exchange Commission.

ACTION: Statement of Commission Position.

SUMMARY: The Commission is announcing that it no longer considers Reserve Recognition Accounting to be a potential method of accounting in the primary financial statements of oil and gas producers. In addition, the Commission is announcing its support of an undertaking by the Financial Accounting Standards Board to develop a comprehensive package of disclosures for those engaged in oil and gas producing activities.

DATE: February 26, 1981.

FOR FURTHER INFORMATION CONTACT: James D. Hall or Rita J. Gunter, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION:

I. Background

After extensive public hearings, the Commission issued Accounting Series Release ("ASR") No. 253¹ which concluded that significant improvements in the communication of financial position and operating results of oil and gas producers could be achieved through (1) adoption of requirements for disclosure of specified historical information relating to oil and gas producing activities; (2) adoption of requirements for disclosure of information relating to future net revenues from estimated production of oil and gas reserves; and (3) development of a method of accounting to provide for recognition in financial statements of proved oil and gas reserves as assets and changes in proved oil and gas reserves in earnings.

The Commission called the new accounting method "Reserve Recognition Accounting" or "RRA". The Commission at that time recognized that the feasibility of developing RRA was not assured and provided for its development through a flexible experimentation and evaluation period. Release No. 33-5969²; issued concurrently with ASR No. 253, proposed rules for supplementary presentation of an earnings summary based on RRA.

After considering input received from an advisory committee and from comment letters, the Commission issued Accounting Series Release Nos. 269³ and 270⁴ in September 1979. ASR No. 269 contained final rules requiring presentation of a Summary of Oil and Gas Producing Activities Based on RRA and a Summary of Changes in Present Value of Estimated Future Net Revenues. The release required such disclosure in annual reports on Form 10-

¹ Accounting Series Release No. 253, "Adoption of Requirements for Financial Accounting and Reporting Practices for Oil and Gas Producing Activities," August 31, 1978 [43 FR 40688].

² Release No. 33-5969, "Oil and Gas Producing Activities—Proposed Supplemental Earnings Summary," August 31, 1978 [43 FR 40726].

³ Accounting Series Release No. 269, "Oil and Gas Producers—Supplemental Disclosures on the Basis of Reserve Recognition Accounting," September 24, 1979 [44 FR 57030].

⁴ Accounting Series Release No. 270, "Oil and Gas Producers—Postponement of Audit Requirement for Reserve Information," September 24, 1979 [44 FR 57037].

K for fiscal years ending after December 25, 1979. It also announced the Commission's intentions to require the disclosures to be made in annual reports to security holders for fiscal years ending after December 25, 1980. In September 1980, as part of its integrated disclosure program, the Commission issued rules which, among other things, require that supplemental oil and gas reserve information be presented in annual reports to security holders for fiscal years ending after December 15, 1980.

ASR No. 270, issued concurrently with ASR No. 269, postponed the audit requirement for oil and gas reserve information until years ending after December 25, 1980. The postponement was intended to allow additional time to establish and implement uniform guidelines and standards for reserve evaluation and reporting.

The Commission again addressed the issue of audited oil and gas reserve information in April 1980 when it issued ASR No. 277.⁵ The Commission noted that there continued to be uncertainty concerning the costs and related benefits of requiring reserve information to be audited when the information was presented outside the primary financial statements. Therefore, the Commission amended Regulation S-X to postpone the audit requirement for reserve information until a decision was reached on adopting RRA as a uniform method of accounting in the primary financial statements. ASR No. 277 also permitted registrants to present the reserve information disclosures as supplementary information outside the financial statements until the above determination was made.

II. Current Status of RRA

Since the issuance of ASR No. 253, the Commission has received significant input concerning the feasibility of implementing RRA as the primary method of accounting for oil and gas producing activities. A substantial degree of uncertainty of oil and gas reserve estimates has been suggested by the published results of several studies. Several oil and gas reservoir engineers have commented that a significant range of reserve estimates is considered reasonable by that profession. The Commission has noted significant revisions reported in supplemental disclosures for 1979 calendar years. In addition to the inherent uncertainty of reserve estimates, other implementational issues raise questions

⁵ Accounting Series Release No. 277, "Oil and Gas Reserve Information—Postponement of Audit Requirement," April 17, 1980 [45 FR 27747].

about the feasibility of RRA as the uniform method of accounting by oil and gas producers, such as valid questions about the usefulness of interim financial statements based on RRA due to the difficulty of quickly estimating quantities of newly discovered reserves.

ASR No. 253 established a period for development and evaluation of RRA and the Commission has viewed RRA as experimental. Although the Commission believes that financial statements lack the degree of certainty often attributed to them by users, it is clear that financial statements in today's environment require a higher degree of reliability than do supplemental disclosures. After assessing the development of RRA since the issuance of ASR No. 253, the Commission has determined that because of the inherent uncertainty of recoverable quantities of proved oil and gas reserves, RRA does not presently possess the requisite degree of certainty to be accepted as a primary method of accounting. Therefore, the Commission is announcing that it no longer considers Reserve Recognition Accounting to be a potential method of accounting in the primary financial statements.

The Commission believes that announcing its conclusions about RRA as primary method of accounting will provide a better atmosphere for evaluation of RRA as a supplementary disclosure for oil and gas producers. The Commission hopes that issuers, knowing their primary historical cost financial statements are not "threatened" by RRA, will be better able to focus on both the merits and disadvantages of the RRA supplemental earnings summary. Although RRA lacks the certainty usually attributed to primary financial statements, the Commission still believes it may be a useful basis for supplemental disclosure because it attempts to match the costs of exploration and development activities with the results obtained through these efforts. If an RRA supplemental earnings summary is not the best disclosure vehicle, then alternative disclosures should be developed.

III. FASB Initiative

Supplemental disclosures for the oil and gas industry have evolved under standards and rules promulgated by both the Commission and the FASB. Those standards and rules have been issued at different times and have had different objectives. As a result, the disclosures made in response to these rules and standards have tended to become unnecessarily voluminous, complex and disjointed. A comprehensive package of disclosures

designed by the FASB should alleviate many of the concerns expressed about present practice.

The Chairman of the FASB has stated that the FASB is prepared to begin a project which would take a comprehensive view of reporting and disclosure issues facing oil and gas producers. The proposed FASB project would comprehend all aspects of financial reporting by oil and gas producers, with one notable exception. It would not address the issue of a uniform method of accounting in primary financial statements but would address both footnotes and supplemental disclosures. The FASB has indicated that such a project would be meaningful only if the Commission had already reached a conclusion regarding RRA as it relates to the primary financial statements and then only with the Commission's support. The proposed project would be similar to other FASB projects in that it would follow the FASB's due process procedures and would not be constrained by any Commission guidelines. The project's objective would be to develop a comprehensive disclosure package for oil and gas producing enterprises that will assist in meeting the objectives of financial reporting set forth in FASB Concepts Statement No. 1, and that possesses the qualitative characteristics of useful accounting information set forth in FASB Concepts Statement No. 2.

In general, the Commission expects that its rules will be amended to be consistent with the disclosure standards for oil and gas producers to be developed by the FASB. The Commission has traditionally looked to the Board to set standards of financial reporting. A recent example in the area of supplemental disclosure involved ASR No. 190.⁶ In that instance, the Commission introduced a requirement for disclosure of replacement cost information then withdrew its requirements after the effective date of SFAS No. 33⁷ which addressed the objectives of ASR No. 190. The Commission expects the issue of oil and gas disclosures to be resolved in a similar fashion. Of course, the Commission will necessarily follow its normal administrative procedures in reviewing and adopting appropriate supplemental disclosures developed by the FASB and requiring disclosure of operational data.

⁶ Accounting Series Release No. 190, "Replacement Cost Data," March 23, 1976 [41 FR 13596].

⁷ Statement of Financial Accounting Standards No. 33, "Financial Reporting and Changing Prices," September 1976.

IV. Commission's View of Value Based Disclosures

Notably, a possible exception to the Commission's expectation of acceptance of FASB standards in this area is the issue of value based disclosures for oil and gas reserves, such as the "Present Value of Estimated Future Net Revenues" as defined in Regulation S-X. In its deliberations to date the FASB has not required value based disclosure for oil and gas reserves, but as part of the proposed project, the Commission expects that the FASB will consider various types of value disclosures in its project. It may be appropriate to use a discount rate other than 10 percent or to use a set of discount rates, depending upon risk. A range of values rather than a point estimate may be considered. The above examples of items for consideration are not intended to be restrictive and the Commission expects that the FASB will exercise its own judgment in reviewing alternatives and arriving at its conclusions with respect to the value based disclosure issues and all other issues to be considered within the project's scope.

However, because the Commission believes value based disclosures are important, even if the FASB does not require value based disclosures for all oil and gas companies, the Commission will likely continue to require such disclosure from registrants. If that is the case, the public record generated by the FASB during its deliberations should be helpful in determining the appropriate basis for any value disclosure which the Commission may require in the future.

The Commission's strong commitment to value based disclosure should be distinguished, however, from its support of RRA as a supplemental measure of earnings. The Commission believes that RRA should be carefully considered for supplementary disclosure but it has no preconceived conclusions as to the outcome of such deliberations.

V. Other

In arriving at its conclusion that RRA is not feasible as uniform method of accounting in primary financial statements, the Commission has not readdressed the issue of a uniform method of accounting by oil and gas producers. Concepts developed by the FASB in its conceptual framework project will have an impact on the ultimate resolution of this question. Therefore, the Commission does not intend to attempt to resolve that issue until after it considers the results of the FASB's conceptual framework efforts.

The Commission has reviewed its responsibility under the Energy Policy

and Conservation Act of 1975, 89 Stat. 871 ("EPCA"), which directed the Commission to assure the development and observance of accounting practices to be followed in the preparation of accounts by oil and gas producers. It has determined that the announcements and course of action outlined in this release are not inconsistent with its responsibilities under EPCA. However, after the FASB has developed its comprehensive disclosure package, the Commission will separately consider any necessary rule making action under the securities laws and whether any EPCA rule making is necessary to assure the availability of such information to the Department of Energy.

By the Commission,
George A. Fitzsimmons,
Secretary.

February 26, 1981.

[FR Doc. 81-7114; Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 240

[Release Nos. 33-6292; 34-17556; IC-11633]

Application of Rule 10b-6 to Certain Distributions of Securities by Issuers

Correction

In FR Doc. 81-6908 appearing on page 15133 in the issue of Wednesday, March 4, 1981, on page 15134, first column, § 240.10b-6, the paragraph designated "(5)" should read "(e)".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-21]

Alternative Fuel Price Ceilings for Incremental Pricing Under the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interim Rule.

SUMMARY: The Commission revises on an interim basis the methodology for calculating the monthly alternative fuel price ceilings for state regions. Under the revised methodology, the applicable alternative fuel price ceiling published on the twentieth of each month for each of the contiguous states shall be the lower of the alternative fuel price ceiling for the state or the alternative fuel price

ceiling for the multistate region in which the state is located. In addition, § 282.404(a) of the Commission's regulations is amended by adding subparagraph (4) making effective March 1981 prices that were changed as a result of the newly revised methodology. Such prices supersede those corresponding state prices published on February 20, 1981.

DATES: Effective March 2, 1981.

Written comments by April 13, 1981. Requests for oral hearing by March 13, 1981.

ADDRESS: Office of Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, Reference Docket No. RM79-21.

FOR FURTHER INFORMATION CONTACT:

Thomas P. Gross, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8171.

Sandra Delude, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-5522.

Interim Rule

Issued: March 2, 1981.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending, on an interim basis, its regulations on incremental pricing (18 CFR Part 282) under Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432). Specifically, § 282.404(a) is amended by adding subparagraph (4) to provide that the alternative fuel price ceilings for March 1981, listed in new § 282.404(a)(4), supersede the corresponding state ceilings published on February 20, 1981. In addition, this order provides that the alternative fuel price ceilings published on the twentieth of each month following February 1981, for each of the 48 lower contiguous states shall be the lower of:

- (1) the alternative fuel price ceiling applicable to the state; or
- (2) the alternative fuel price ceiling applicable to the multistate region in which the state is located.

II. Background

Title II of the NGPA requires the Commission to prescribe and make effective a program of incremental pricing of natural gas which is used as industrial boiler fuel. Section 204(e) of the NGPA directs the Commission to establish ceilings on gas prices charged

to incrementally priced users, based on the cost of alternative fuel oils in each region designated by the Commission.

The Commission's current regulations implementing the incremental pricing program establish two sets of regions: (1) 48 regions, each region being one of the 48 contiguous states; and (2) eight multistate regions, labeled Regions A through H. The 48 state regions are used to calculate alternative fuel price ceilings which are published each month in the Federal Register on or before the twentieth day of the month preceding their effective date. In addition as provided in Appendix I to Subpart D of Part 282, the multistate regions may be used by the Commission in deriving alternative fuel price ceilings for state incremental pricing regions (1) for which statistically valid samples of oil prices may be unavailable, or (2) where the Commission determines that the public interest requires use of the regional ceiling in place of the state ceiling. The price ceiling for each region (state or multistate) is calculated by a formula which uses the price of high-sulfur No. 6 fuel oil observed in that region during a previous period. The collection of data, the application of the formula, and the publication of the ceilings are performed by the Energy Information Administration (EIA) in accordance with Commission direction.

The Commission recently instituted a rulemaking proceeding in Docket No. RM79-21 for the purpose of re-examining both the designation of the incremental pricing regions and the methodology for calculating the price ceilings in those regions. On November 4, 1980, a Notice of Inquiry was issued in this docket (45 FR 74505, November 10, 1980), requesting public comment on possible revisions to the current regions and methodology. More than 50 written comments were filed. In addition, members of the public were given an opportunity to discuss the Notice of Inquiry in informal technical conferences held in Kansas City, Missouri, on November 21, 1980 and in Washington, D.C., on November 24, 1980, and January 6, 1981.

III. Discussion

Studies made by the Commission staff demonstrate that substantial pricing disparities exist in the price ceilings for neighboring states and that the impact of such disparities is increasing as the cost of high-sulfur No. 6 fuel oil rises.¹ The disparities may be due to actual oil price differences in neighboring states,

too few oil transactions, or some other factor or combination of factors. (The EIA is continuing to study the methodology for calculating the price ceilings program in an attempt to discern the reason for the disparities.)

As the Commission noted in the Notice of Inquiry, these disparities increase the possibility of industrial users' switching from natural gas to fuel oil purchased in a nearby state. In addition, substantial pricing disparities create inequities, in that industrial gas users in different states, but within the same marketing area, may pay substantially different prices for natural gas. As a result, the Commission has determined to issue an interim rule amending the existing methodology in order to discourage potential fuel switching.

Written and oral comments submitted in response to the Notice of Inquiry generally indicated that the current alternative fuel price ceilings are working as well as possible and that many of the changes discussed in the Commission's Notice of Inquiry would only aggravate existing problems and inject uncertainty and instability into the Commission's current incremental pricing program. The commenters urged the Commission to retain the basic regulatory structure now in effect, but to add some flexibility to the methodology to correct price ceilings which do not accurately reflect current market prices.

One of the most commonly proposed additions to the current methodology was a fail-safe mechanism under which a non-exempt user of natural gas could reduce the applicable incremental pricing surcharge to a lower alternative fuel price if the user could certify to the Commission that the lower alternative fuel price is available to the facility.

Other comments proposed alternative mechanisms, such as the "contiguous state approach" or the multistate regional approach." Under the contiguous state approach, the price ceiling would be the lowest price ceiling in any state contiguous to the state in question if lower than the otherwise applicable state price ceiling. Under the multistate regional approach, the price ceiling would be the lower of the price ceiling applicable to the multistate region in which the state is located, or the alternative fuel price ceiling which would otherwise be applicable to the state.

The Commission agrees that some flexibility should be added to the current methodology. The Commission has considered the fail-safe mechanism in some detail during the initial implementation of the incremental pricing program and in conjunction with

this rulemaking. It believes that such a mechanism would be difficult to implement at this time. As proposed in the comments, the price ceiling in a facility-by-facility fail-safe mechanism is subject to potential manipulation. Administrative problems also exist with respect to verification of the availability of a lower price and correction. If the price certified is found to be incorrect. The contiguous state approach, while providing flexibility, would raise issues relating to an appropriate definition of "contiguous." However, the multistate regional approach would provide the needed flexibility without presenting either the definitional problems of the contiguous state approach or the administrative problems of the fail-safe mechanism. Accordingly, the Commission is adopting the multistate regional approach in this rulemaking. The implementation of the multistate regional approach will result in some, but not a large, reduction in total MSAC's (maximum surcharge absorption capability).² However, the Commission believes that the reduction is outweighed by the benefits provided by increased flexibility and improved accuracy in the price ceilings.

Specifically, the methodology for calculating the alternative fuel price ceilings is revised to provide that the alternative fuel price ceilings for each of the 48 contiguous states shall be the lower of (1) the alternative fuel price ceiling applicable to the state, or (2) the alternative fuel price ceiling applicable to the multistate region in which the state is located.

Three other proposals which were discussed in the Notice of Inquiry were, (1) the grouping of No. 2 and No. 6 fuel oil prices, (2) the cumulative decrement approach, and (3) sixteen proposed multistate regions. Virtually all of the comments opposed the first two proposals, and the Commission declines to adopt either of these methods as more practicable than the system already in effect. The comments were divided, however, as to whether the Commission should adopt the sixteen proposed regions or retain the current 48 state and eight multistate regions. None of the

²The exact amount of MSAC reduction is difficult, if not impossible, to quantify. The Commission has analyzed prices in the nine states (Pennsylvania, Georgia, California, Illinois, Indiana, Michigan, New Jersey, New York and Ohio) which contain approximately two-thirds of all facilities subject to incremental pricing. For the five-month period of October 1, 1980, through February, 1981, seventeen of the forty-five published prices would have been reduced had the rule adopted herein been in effect. The amounts involved are noticeable, but do not appear to be of a magnitude that would outweigh the advantages of this adjustment.

¹See, Rule Adopting Revised Alternative Fuel Price Ceilings for the State of Kentucky, Docket No. RM81-9, issued December 24, 1980 (46 FR 2036).

comments offered any compelling reasons to adopt the sixteen-region approach. Therefore, rather than subject the current methodology to additional confusion and uncertainty, the Commission has decided to retain the existing 48 state and eight multistate regions at this time.

The Commission also recognizes that certain individual or state-wide circumstances may exist in which some type of relief or adjustment from the methodology adopted in this rule may be appropriate. The Commission will continue to review any such situations on a case-by-case basis and to administer relief, where appropriate, by means of staff adjustments pursuant to section 502(c) of the NGPA or by rulemaking.

The Commission also notes that the EIA continues to study various methodologies which may eventually prove to be useful in calculating appropriate alternative fuel price ceilings. The Commission has been informed that one such methodology has shown promise and is currently being evaluated. When detailed information and data on this method become available from the EIA, the Commission will consider such material.

IV. Summary of the Interim Rule

As discussed above, the Commission has determined that the alternative fuel price ceiling for each of the 48 contiguous state regions should be the lower of either the ceiling calculated for that state or the ceiling calculated for the multistate region in which the state is located. In order to implement this decision for the month of March 1981, for which alternative fuel price ceilings were published on February 20, 1981, the Commission is amending § 282.404(a) of its regulations by adding new subparagraph (4). Subparagraph (4) lists the ceilings for March 1981 which shall supersede those previously published on February 20, 1981; that is, it lists the appropriate multistate regional ceilings for each state in which the multistate regional ceiling for March 1981, is lower than the state regional ceiling. To implement this methodology for months following March 1981, the Commission is directing its Executive Director to direct EIA to publish as the alternative fuel price ceilings applicable to each state region for months following March 1981, the lower of either the ceiling calculated for that state or the ceiling calculated for the multistate region in which the state is located.

V. Effective Date

The Commission believes that this rule will promote equity and discourage

potential fuel switching. Accordingly, the Commission finds that good cause exists in accordance with 5 U.S.C. 553 (b) and (d) to make this rule effective immediately as an interim rule, applicable to all alternative fuel price ceilings for the month of March 1981, and thereafter, until the Commission issues a final rule in this docket. The Commission will afford an opportunity for interested persons to present views and comments, as set forth below.

VI. Comment Procedures

A. Written Comments. Interested persons are invited to submit written comments, data, views, or arguments with respect to this interim rule. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should reference Docket No. RM79-21. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EST, April 13, 1981, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection through the Commission's Division of Public Information, Room 100, 825 North Capitol Street, NE., Washington, D.C., during regular business hours.

B. Public Hearing. Interested persons may request the opportunity for an oral presentation of their views at a public hearing. Requests for an oral hearing should be submitted no later than March 13, 1981, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM79-21. If any requests are received by that time, the hearing will be held on March 23, 1981, at the above address, and will be announced by March 18, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; E.O. 12009, 42 CFR 46267 (1978))

In consideration of the foregoing, the Commission amends Subpart D, Part 282, Subchapter I, of Chapter I, Title 18 of the Code of Federal Regulations, on an interim basis, as provided below, effective upon issuance.

By the Commission,
Kenneth F. Plumb,
Secretary.

Section 282.404 is amended in paragraph (a) by adding subparagraph (4) to read as follows:

§ 282.404 Alternative fuel price ceilings.

(a) *General rule.*

(4) for the month of March, 1981, the following state ceilings shall be effective and shall supersede the corresponding state ceilings published on February 20, 1981:

State	Dollars per million Btu's
Arkansas.....	3.70
California.....	3.44
Delaware.....	4.23
Idaho.....	3.76
Indiana.....	3.54
Iowa.....	4.03
Kansas.....	4.03
Louisiana.....	3.70
Maryland.....	4.23
Michigan.....	3.54
New Hampshire.....	4.92
New Jersey.....	4.23
North Carolina.....	4.50
North Dakota.....	4.03
Ohio.....	3.54
Oklahoma.....	3.70
Oregon.....	3.44
Pennsylvania.....	4.23
South Carolina.....	4.50
South Dakota.....	4.03
Utah.....	3.76
Vermont.....	4.92
Virginia.....	4.50
West Virginia.....	3.54

[FR Doc. 81-7220 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 73 and 81,

[Docket No. 80N-0447]

Removal of Stay of Regulation for the Listing of Lead Acetate as a Color Additive in Cosmetics That Color the Hair on the Scalp; Confirmation of Effective Date

AGENCY: Food and Drug Administration.
ACTION: Removal of Stay and Confirmation of Effective Date.

SUMMARY: The Food and Drug Administration (FDA) is removing the stay of regulation for the permanent listing of lead acetate for use as a color additive in cosmetics that color the hair on the scalp. The regulation was stayed by the filing of objections under the formal rulemaking provisions of the Federal Food, Drug, and Cosmetic Act. FDA received no requests for hearing in response to the regulation. The stay remained in effect while FDA evaluated

and acted on the objections. The agency has now completed its evaluation of the objections and concludes that they are not adequate to continue the stay of the regulation listing lead acetate as a color additive. Therefore, this document removes the stay of the regulation and confirms the effective date of December 1, 1980, for the regulation listing lead acetate as a color additive. This document also amends the color additive regulations by removing lead acetate from the color additive provisional list.

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: The current closing date of March 3, 1981, for the color additive provisional listing of lead acetate was established by a final regulation which was published in the Federal Register of December 30, 1980 (45 FR 85725). The date was set to provide FDA time to evaluate and act on objections received in response to a final regulation that was published in the Federal Register of October 31, 1980 (45 FR 72112) and that approved a petition for the permanent listing of lead acetate. The preamble to the December 30, 1980, rule announced that the regulation which permanently lists lead acetate was stayed pending final agency action on the objections (45 FR 85725). No requests for a hearing, however, were received in response to the permanent listing regulation.

After evaluating the objections received, the agency finds that none of them presents a genuine and substantial issue of fact which warrants a hearing (see 21 CFR 12.24(b)).

The agency has received four letters stating objections to the permanent listing regulation for lead acetate. One objection was received from an individual; a joint objection was received from two consumer groups; and two separate objection letters were received from two medical associations. The letters are on file in the Dockets Management Branch in this docket, 80N-0447. The objections and the agency's responses to them are summarized below.

1. The objection filed jointly by two consumer groups stated an opposition "to the FDA's action permanently listing lead acetate for use in hair dyes on the grounds that the FDA has no authority to approve for use as a color additive any substance which the Agency has found causes cancer in man or animals." The objectors contend that FDA is

required by the Delaney Clause to deny the petition to list permanently lead acetate because the policy embodied in the clause is an absolute prohibition on the approval of any additive that causes cancer in man or animals.

For the scientific and legal reasons which were fully explained in the October 31, 1980, listing regulation, the agency disagrees with the narrow legal interpretation of the Color Additive Amendments of 1960, 21 U.S.C. 376, note, set forth in this objection. Because of the detailed discussion of the scientific facts relative to lead acetate hair dyes and the legal standards applicable to the permanent listing of a noningested color additive in the preamble to the October 31, 1980, final rule, further explication here would serve no useful purpose. Thus, FDA incorporates by reference herein all scientific, legal, and policy positions set forth in the preamble to the October 31, 1980, final rule. These positions support the agency's conclusion that lead acetate, under any reasonable standard, is safe and that the Delaney clause does not bar the permanent listing of this color additive for use in hair dyes that color the hair on the scalp.

2. The consumer groups also objected to FDA's risk assessment that was performed using "worst case estimates" and to the analysis of toxicity data on lead acetate showing, in the agency's opinion, that if any risk does exist, it is clearly insignificant and presents no public health or safety concerns. The objection stated "if the risk is 1 in a million and if more than 1 million persons use hair dyes with lead acetate, then at least 1 person will die as a direct consequence of the FDA's decision." This conclusion reflects a misunderstanding of the risk estimation that FDA performed, and of the meaning and use of risk estimates in determining whether a substance is safe.

In the preamble to the October 31, 1980, final regulation, the agency reported a calculation that the upper limit of lifetime cancer risk from the use of lead acetate in hair dyes was approximately 2 in 10 million lifetimes (i.e., 1 in 5 million lifetimes). Upper limit estimates of risk using "worst case" assumptions cannot be used to predict with mathematical precision what will actually occur. Yet, because risk estimates take into account the risk resulting from incomplete information, extreme assumptions of overuse, abuse, and over application, etc., (hence, "worst case estimates"), are factored in to reach a conclusion with reasonable certainty of what will not occur. The agency's conclusion that less than 1 out

of 5 million persons would be at risk from the use of this color additive in hair dyes based upon the "worst case estimates" is consistent with the likelihood that no cancers will result from the topical use of this color additive. Thus, in terms of the public health protection, this additive presents no significant safety or health concerns and is, therefore, safe. However, a risk assessment demonstrating that 1 in 5 million persons may be at risk is totally inconsistent with the objection's statement that at least 1 person will die as a direct consequence. Therefore, the agency disagrees with this aspect of the objection and concludes that it has no merit.

3. Three of the objections received focused on certain issues regarding human lead exposure. The objections emphasized that lead is a highly toxic compound and that, at certain levels of exposure, lead can cause poisoning in children and adults. The objections shared the view that the use of lead acetate in hair dyes would contribute significantly to the lead exposure of users of the dyes. Some of the objections expressed a concern that the approval of lead acetate signals a change in FDA's regulatory policies toward human exposure to lead from "minor" environmental sources. The objections also contended that although human exposure to lead from lead acetate may be small, each source of lead exposure adds to the body burden and should be prohibited wherever possible.

The agency recognizes and agrees with the objections that certain levels of lead exposure can result in toxic manifestations in humans and that, because of this toxicity, human exposure to lead should be reduced. The agency's position on lead was summarized in an advance notice of proposed rulemaking on lead in the food supply that was published in the Federal Register of August 31, 1979 (44 FR 51233). That notice cited several comprehensive reports regarding different aspects of lead toxicity that serve as partial basis for the agency's regulatory position concerning lead. However, the levels of lead associated with toxic effects from the sources discussed in the advance notice of proposed rulemaking are quite different from the levels associated with use of lead acetate hair dyes.

The agency has completed a comprehensive review and evaluation of data relevant to the color additive petition for lead acetate used in hair dyes. This review included consideration of the potential and actual toxicity of lead. On the basis of these

data, which included tests demonstrating an almost infinitesimally low absorption of lead from lead acetate hair dyes, the agency concludes that the use of lead acetate is safe in that it represents no reasonable prospect of harm and that its contribution to the total body burden is inconsequentially small. This conclusion is a reaffirmation of the safety of lead acetate in terms of toxic effect set forth in the Federal Register of March 6, 1979 (44 FR 12206) and October 31, 1980 (45 FR 72114). The agency advises that the objections regarding the toxicity of lead that were received did not provide any new scientific information of a type that has not been previously considered. Therefore, the agency concludes that data describing the toxic effects of elevated levels of lead in the body are not relevant to the issue of safety of lead acetate hair dye where there will be no perceptible elevations in body lead levels from its use.

The agency also advises that the permanent listing of lead acetate as a color additive does not represent a change in the overall agency regulatory policy concerning lead. This action represents only a clearance for a color additive found to be safe under its limited conditions of use. The agency will continue to apply its regulatory authority to reduce lead contamination in other substances that are subject to the Federal Food, Drug, and Cosmetic Act.

4. An objection from a medical association suggested that the agency consider a scientific article that was published in the *Lancet* of January 10, 1970 on the effects of lead inhibition of *delta*-aminolevulinic acid dehydrogenase (*delta*-ALAD), an enzyme involved in the synthesis of heme. The objection summarized the article by stating " * * * *delta*-aminolevulinic acid dehydrogenase, is inhibited at very low levels, down to less than 10 parts per million, far below the blood concentration considered to be dangerous by governmental agencies."

FDA had previously considered this scientific information as part of its general review of the effects of human lead exposure. These data show an inhibition of *delta*-ALAD at blood levels as low as 10 micrograms per 100 milliliters of blood, or, in fact, 0.1 part per million of lead in the blood, and not 10 parts per million as stated by the author. From review of the scientific literature, the agency recognizes that a blood-lead level of 10 to 20 micrograms per 100 milliliters is considered by the scientific community to be within the

normal range for the general population. Although there may be some inhibition of *delta*-ALAD activity at these blood-lead levels, the health impact of these observations remains to be established, because normal heme synthesis is apparently not impaired.

The agency does not believe that the information presented in this objection with respect to *delta*-ALAD inhibition is relevant to the issue of lead acetate in hair dyes because the documented levels of absorption of lead from hair dye are far below those levels of lead absorption that would represent toxicological concern.

5. The objection further contended that it would be a serious mistake to assume that any additional amount of lead, even a small amount, is safe. In support of this conclusion, the objection stated that there is abundant evidence published in numerous scientific journals to justify a conclusion that " * * * many, if not the majority, of inhabitants in our country already suffer with subclinical symptoms of lead toxicity."

The agency does not agree that there is sufficient definitive evidence to justify those conclusions regarding low levels of lead exposure and presumed resultant lead toxicity. The agency remains concerned and aware of the toxicological significance of human exposure to lead and the possibility that toxic manifestations may occur at lower threshold levels than are currently associated with clinically confirmed lead poisoning. Because of this concern, the agency has encouraged the scientific community to provide new information and scientific data in this important area (see 44 FR 12205, March 6, 1979; and 44 FR 51223, August 31, 1979). The agency will continue to reevaluate its position regarding the overall human exposure to lead on the basis of the new information, when and if it is received.

6. The same objection concluded that "it is difficult to believe that a consumer protection agency of the Federal government would accept a study and conclusions by the very industry which profits from this poisonous substance." The objection also criticized FDA for not relying upon an absorption study performed by an independent laboratory rather than the sponsor of the color additive.

Under the Color Additive Amendments of 1960, 21 U.S.C. 376, note, the primary responsibility for conducting (as distinct from evaluating) studies to support the approval of color additive petitions filed with FDA lies with the sponsors of those petitions. Combe, Inc., a member of the petitioner for the permanent listing of lead acetate,

Committee of the Progressive Hair Dye Industry, sponsored that particular radioactive lead skin absorption study that was evaluated by the agency and was used by the agency to determine that lead acetate in hair dyes is indeed absorbed through human skin, but in a miniscule amount. The agency advises that FDA personnel reviewed the experimental design, the overall facilities, and the sophisticated analytical procedures used before the actual study, as well as the final results of the study. The study was conducted by qualified scientists at the University of Glasgow. The agency can find no basis for challenging the professional competence of these scientists and concludes that the results of the study are appropriate and germane to the issue.

7. An objection from a second medical association was written in response to a United Press International press release concerning FDA's approval of lead acetate. This letter contained specific objections that were based, in part, on unspecified data or referred to scientific reports that were not submitted with the objection letter.

The agency advises that the conclusions that can be properly drawn from scientific studies depend upon the quality of those studies and the relevance of the studies to the issue in question. The agency has completed a comprehensive review of the scientific literature regarding lead toxicity and is not aware of any relevant scientific study concerning the issue of lead acetate in hair dyes that has not been considered. Moreover, FDA has also requested the submission of data relevant to lead acetate hair dyes through the rulemaking process (see 43 FR 8792; March 3, 1978, with respect to lead acetate; and 44 FR 12204; March 6, 1979, with respect to lead generally). On the basis of all available data the agency has concluded that lead acetate is safe in cosmetic hair dyes when used under specified conditions. Therefore, the agency cannot consider reversing a thoroughly considered decision without the receipt and evaluation of reports that it may not have considered previously.

8. The objection also criticized FDA's decision to list lead acetate because it "appears to be in complete contradiction to the duty which Congress has outlined" for FDA which has always involved carefully considering "potential benefits versus potential risks for the products used by the American consumer." It is further asserted that benefits from the use of lead acetate in products are "only cosmetic, while the

risks are substantial and clearly identifiable, and include serious potential biologic harm to the body."

The agency advises that its role under the Color Additive Amendments of 1960, 21 U.S.C. 376, note, is strictly limited. The agency is not permitted under the law to make value judgments about whether color additives are beneficial. Rather, the agency is only authorized to evaluate the data submitted in support of color additive petitions and to approve their use in food, drugs, cosmetics, and devices if the data show them to be safe; that is, the data establish with reasonable certainty that no harm will result from the intended use of the color additive (see H.R. Rept. No. 7624, 86th Cong., 2d Sess., p. 776 (1960); 21 CFR 70.3(i)).

9. In addition, the same objection alleged that data from unreported tests using "Hair Mineral Analysis" and "other parameters for determining increased body burden of lead" indicated that lead acetate applied for a prolonged interval of time (6 months to 2 years) resulted in elevations of lead in certain individuals. In addition, the objection cited the use of a testing procedure which included the "analysis of pubic as well as axillary hair. This procedure has been described in *Current Problems of Dermatology* by Drs. Marzulli, Watlington, and Maibach." The objection also stated that "provocative chelation" techniques indicate elevated lead levels in certain individuals from the use of lead hair dyes.

With respect to the "unreported tests," the agency advises that because no data supporting these observations have been submitted it cannot comment on whether those tests were scientifically valid or on whether any conclusions which might be drawn from them are relevant to this rulemaking. However, the agency has previously reviewed the cited study by Marzulli, Watlington, and Maibach:

* * * Marzulli et al. reported in their study that there was an increase in the levels of lead in pubic and axillary hair after the administration of a lead acetate hair color to the hair of the scalp. They concluded that this might indicate lead was absorbed through the skin of the scalp and then deposited in the growing hair of the axillary and pubic regions. No blood or urine measurements of lead absorption were made, however, nor were there measures taken to rule out exogenous deposition, a necessary precaution according to Baloh. Generally, blood and urine levels are considered reliable indicators of systemic exposure to lead; lead levels in axillary and pubic hair are not generally considered reliable indicators of systemic uptake.

The failure to measure blood or urine levels of lead in the subjects and the distinct possibility of exogenous deposition are significant shortcomings in this study and preclude reliance on it to draw any conclusions about the likelihood of lead absorption in humans (43 FR 8792; March 3, 1978).

The shortcomings of the study by Marzulli et al. and other earlier absorption studies necessitated an additional study using a particularly sensitive analytical methodology, the radioactive lead tracer technique, to resolve the issue of percutaneous absorption of lead acetate when used as a hair color. The agency believes that the radioactive tracer study provides the most reliable information regarding absorption.

10. The same objection concluded that there is a "significant risk from any additional lead" absorption. This conclusion is based upon several scientific articles and a book concerning toxicity that results from human lead exposure. The articles include: research papers published in the *New England Journal of Medicine and Science* by Dr. Clair Patterson, et al., regarding potential dangers from low-level lead exposures; a report from the National Academy of Sciences entitled "Lead in the Human Environment"; a research paper by Dr. Clair Patterson, et al., regarding potential dangers from low-level lead exposures; a report from the National Academy of Sciences entitled "Lead in the Human Environment"; and a research paper by Dr. H. Needleman that published in the *New England Journal of Medicine* regarding the impaired learning in classroom activity of students with elevated lead levels. Also cited was a report published by A. Schauss in the book "Diet, Crime, and Delinquency" that deals with criminal activity of persons having a high probability of showing elevated levels of heavy metals in their hair. In addition, this objection also cites an unidentified epidemiological study published in Switzerland that is believed by the objector to demonstrate an association between lead exposure and "adverse effects on the immune system as well as the potential mutagenicity and/or carcinogenicity of lead." This report, however, was not submitted to the agency for consideration and evaluation.

The agency is aware of the research being conducted regarding the toxic manifestations of lead exposure. Indeed, the report by the National Academy of Sciences and the research published by Drs. Patterson and Needleman have been reviewed by the agency. However, because these studies concern lead

exposure levels far above those levels associated with lead hair dye use, the agency does not believe that this information is relevant to whether lead acetate should be allowed for use as a color additive in hair dyes. There is no evidence to suggest that the slight additional amount of lead absorbed from the use of lead acetate hair dye (i.e., approximately 0.5 microgram (μg) per application) will increase an adult's risk of lead-induced neuropathy or other adverse health effects. Also, several of the studies cited as relevant to the issue of the safety of lead acetate hair dyes were studies on the effects of elevated lead levels in children. Because lead acetate hair dyes are not used and not intended for use in children, it cannot be considered as a potential contributing factor in elevated lead levels in children.

The agency notes that this objection has misinterpreted the amount of lead that may be absorbed through the scalp skin due to the use of lead acetate in hair dyes. The objection appeared to confuse the absolute amount of lead absorbed by a person, one half μg per application, with a purported concentration of lead in some unspecified medium (presumably blood) of one half part per million (0.5 ppm). Because the use of lead acetate hair dye would not result in a blood concentration level of 0.5 ppm, and in the absence of any other information, it appears that the objection was based on an incorrect interpretation of the data.

11. The remaining objection was submitted by an individual who asserted that the listing regulation for lead acetate ignored the mercury content and permitted lead far in excess of that permitted in other products not intended for topical application, such as paint and "decorative glassware."

The agency notes that the objection also misinterpreted the lead acetate absorption level in claiming that 0.5 ppm lead would be absorbed per application. As noted in paragraph 10 above, the figure 0.5 ppm is an error and does not represent the documented level of absorption (0.5 μg) expected from hair dye use. The objection also stated that an experience with grey hair dye restorers has shown them to contain several parts per million of mercury. The regulation listing lead acetate as a color additive restricts the mercury level in lead acetate to not more than 1 ppm in the color additive. The level of mercury (less than 1 ppm) in the color additive would be further diluted when added to the other hair dye materials so that a level of not more than 6 parts per billion of mercury would be expected in the finished hair dye product.

Conclusion

The agency has completed its evaluation of the objections and concludes, for the reasons discussed in this document, that the objections are not adequate to continue the stay of the regulations listing lead acetate as a color additive. No requests for a hearing were received in response to the listing regulation. Therefore, this document removes the stay of the regulation and confirms the effective date of December 1, 1980, for the regulation listing lead acetate as a color additive. With the listing of lead acetate the entries for lead acetate under Part 81 are now obsolete.

Therefore, the agency also concludes that the entries for "lead acetate" should be removed from Part 81, §§ 81.1 and 81.27 (21 CFR 81.1 and 81.27). The agency concludes that there is good cause not to provide for further public comment on this change in the regulation. The change is a mere editorial revision to delete lead acetate from the provisional list, due to the March 3, 1981, expiration of the closing date for provisional listing and due to this document conforming the effective date of the permanent listing regulation, rather than a substantive amendment.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376(b), (c), and (d)) and the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)), and under authority delegated to the commissioner of Food and Drugs (21 CFR 5.1), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

§ 73.2396 [Stay terminated]

1. Part 73 is amended in Subpart C by terminating the stay which published in the Federal Register of December 30, 1980 (45 FR 85725) for § 73.2396 *Lead acetate*.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

2. Part 81 is amended:

§ 81.1 [Amended]

a. In § 81.1 *Provisional lists of color additives* in paragraph (g) by terminating the stay which published in the Federal Register of December 30,

1980 (45 FR 85725) and removing the entry "Lead acetate."

§ 81.27 [Amended]

b. In § 81.27 *Conditions of provisional listing* in paragraph (b) by removing the phrase "and for lead acetate until March 3, 1981, while a short-term skin penetration study is conducted and evaluated."

Effective date. These amendments become effective on March 3, 1981.

(Sec. 706(b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376(b), (c), and (d)); Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note))

Dated: February 27, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-7093 Filed 3-4-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF STATE

22 CFR Part 41

[Departmental Regulation 106.802]

Validity, Termination, and Replacement of Visa

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State amends its regulations relating to the validity, termination, and replacement of visa. Increasing numbers of nonimmigrant aliens have been presenting at the time of their applications for admission visas which have been physically removed from passports issued to them earlier and affixed to subsequently issued passports. In many instances, there is no method by which immigration inspectors at ports-of-entry can identify the applicant for admission as the alien to whom the visa was issued. These amendments provide that a visa that has been physically removed from the passport in which it was originally issued is invalid and is to be physically canceled by a consular or immigration officer to whom it is presented.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: Gerald M. Brown, Chief, Legislation and Regulations Division, Bureau of Consular Affairs, (202) 632-1900.

SUPPLEMENTARY INFORMATION: On September 8, 1980, the Department of State published proposed regulations in the Federal Register (45 FR 59175) that would include any nonimmigrant visa, physically removed from the passport in which it was originally issued, within the category of nonimmigrant visas

whose validity can be terminated by a consular or immigration officer.

Two comments were received concerning the proposed regulations. One suggestion provided for the invalidation of a visa, which had been physically removed from a passport, only if the alien presenting such visa at a port of entry could not establish an identity as the person to whom the visa was issued. A conditional invalidation of this type would impose an onerous burden upon the carriers who are subject to monetary penalties prescribed by law for bringing any alien to the United States who is not in possession of a valid visa.

The other recommendation substituted for the proposed regulations a procedure which would preclude issuance of a nonimmigrant visa with a validity beyond the expiration date of the passport in which it was issued, if the government issuing the passport is known to have a policy of retaining expired passports. The suggested revision would not resolve the problem inherent in the surrender to these issuing authorities of substantial numbers of valid passports with no remaining blank pages on which visas can be stamped. Neither recommendation is acceptable as an alternative to the proposed regulations and therefore the regulations are adopted as proposed.

Dated: February 5, 1981.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

1. In § 41.122(e) the word "or" in subparagraph (6) is removed; the period at the end of subparagraph (7) is substituted by a semicolon followed by the word "or" and a new subparagraph (8) is added to read:

§ 41.122 Validity, termination and replacement of visa.

* * * * *

(e) *Termination of validity by consular or immigration officer.* * * *

(8) The visa has been physically removed from the passport in which it was originally issued.

* * * * *

2. In § 41.122(f) subparagraph (1), after "United States," the phrase "the visa has been physically removed from the passport in which it was originally issued, or" is inserted.

3. In § 41.122(f) subparagraph (2) is revised to read:

§ 41.122 Validity, termination and replacement of visa.

* * * * *

(f) *Termination of validity prior to alien's journey to the United States.* * * *

(2) Upon learning that a visa has been physically removed from the passport in which it was originally issued or upon a finding of ineligibility pursuant to paragraph (f)(1) of this section, the consular officer shall, if possible, physically cancel such visa. If the consular officer is unable to physically cancel the visa he shall give notice of the termination of validity to the master, commanding officer, agent, owner, charterer, or consignee of the carrier or transportation line on which it is believed that the alien intends to travel to the United States and shall promptly submit to the Department a full report of the facts of any case in which a finding of ineligibility to receive a visa has been made pursuant to paragraph (f)(1) of this section.

* * * *

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104; Section 109(b)(1), 91 Stat. 847)

[FR Doc. 81-7222 Filed 3-5-81; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

24 CFR Part 300

[Docket No. R-81-913]

List of Attorneys-in-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending Paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in Paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: April 6, 1981.

ADDRESSES: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Linane, Office of General Counsel, on (202) 755-7186.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

§ 300.11 [Amended]

1. Paragraph (c) of § 300.11 is amended by removing the following names from the current list of attorneys-in-fact:

Name and region

Pan Andrus—Los Angeles, California
Ida Behling—Chicago, Illinois

2. Paragraph (c) of § 300.11 is amended by adding the following names to the current list of attorneys-in-fact:

Name and region

Pam Andrus—Los Angeles, California
Ida M. Behling—Chicago, Illinois
Elaine Benes—Chicago, Illinois
Mariann Greetis—Chicago, Illinois
Louise E. Isabel—Chicago, Illinois
Brian Kleven—Chicago, Illinois
Martin P. Long—Chicago, Illinois
(Section 309(d) of the National Housing Act, 12 U.S.C. § 1723a(d), and Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., February 23, 1981.

R. Frederick Taylor,
Executive Vice President, Government National Mortgage Association.

[FR Doc. 81-7172 Filed 3-5-81; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 300

[Docket No. R-81-912]

List of Attorneys-in-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: April 6, 1981.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Linane, Office of General Counsel, on (202) 755-7186.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

§ 300.11 [Amended]

1. Paragraph (c) of § 300.11 is amended by removing the following name(s) from the current list of attorneys-in-fact:

Name and Region

Donna G. Fleming—Philadelphia, PA

2. Paragraph (c) of § 300.11 is amended by adding the following name to the current list of attorneys-in-fact:

Name and Region

Donna F. Colvin—Philadelphia, PA
(Section 309(d) of the National Housing Act, 12 U.S.C. Section 1723a(d), and Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. Section 3535(d))

Issued at Washington, D.C., February 23, 1981.

R. Frederick Taylor,
Executive Vice President, Government National Mortgage Association.

[FR Doc. 81-7171 Filed 3-5-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 201

[DoD Instruction 4160.23]

Sale of Surplus Military Equipment to State and Local Law Enforcement and Firefighting Agencies; Correction

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 81-5266 concerning sale of surplus military equipment, appearing at page 12495 in the issue for Tuesday, February 17, 1981, change under "Authority:" "10 U.S.C. 2202, 2476" to read "10 U.S.C. 2202, 2576."

FOR FURTHER INFORMATION CONTACT: Margarete S. Healy, telephone 202-697-4111.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 3, 1981.

[FR Doc. 81-7177 Filed 3-5-81; 8:45 am]

BILLING CODE 3810-70-M

32 CFR Part 369

[DoD Directive 5105.2]

Delegation of Authority to Deputy Secretary of Defense; Correction**AGENCY:** Office of the Secretary of Defense.**ACTION:** Final rule; correction.

SUMMARY: In FR Doc. 81-5847 concerning the delegation of authority to Deputy Secretary of Defense appearing at page 13690 in the issue for Tuesday, February 24, 1981, add a new line after the end of paragraph (b) at page 13691, to read: "Signed Caspar W. Weinberger, Secretary of Defense."

FOR FURTHER INFORMATION CONTACT:

Margarete S. Healy, telephone 202-697-4111.

M. S. Healy,
*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*
March 3, 1981.

[FR Doc. 81-7176 Filed 3-5-81; 8:45 am]

BILLING CODE 3810-70-M

Department of the Air Force**32 CFR Part 875****Delay in Active Duty for AFROTC Graduates; Miscellaneous Amendments****AGENCY:** Department of the Air Force, DOD.**ACTION:** Final rule.

SUMMARY: The Department of the Air Force amendments to 32 CFR, Subchapter H, Part 875, reflect changes to the basic rule on Air Force Reserve Officers' Training Corps. These amendments change the application and processing procedures for law school applicants.

EFFECTIVE DATE: September 18, 1978.**FOR FURTHER INFORMATION CONTACT:**

Mr. Walter Hoefelmeyer, AF Manpower & Personnel Center, Directorate of Personnel Procurement (AFMPC/MPCMR), Randolph AFB, Texas 78148 (512-825-4382).

SUPPLEMENTARY INFORMATION: The provisions of this part are issued under authority of 10 U.S.C. 8012. The amendments will read as follows:

§ 875.4 Program management responsibilities. [Amended]

1. Section 875.4(e)(5)(ii) is amended by changing "February" to "April."

§ 875.6 How to apply. [Amended]

2. Section 875.6(a)(3)(i) is amended by changing "May" to "April."

§ 875.9 Processing procedures for law applicants. [Amended]

3. Section 875.9(a)(3)(i) is amended by changing "the first week in May" to "in mid-April."

§ 875.12 Application instructions and approval authority. [Amended]

4. In rule 4, column C of § 875.12, change "May" to "April."

Carol M. Rose,
Air Force Federal Register Liaison Officer.

[FR Doc. 81-7173 Filed 3-5-81; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF THE INTERIOR**Office of the Secretary**

43 CFR Public Land Orders 5797-5799, 5802, 5804-5806, 5809, 5810, 5812, 5814, 5817-5819, 5821, 5824-5828, 5830-5834, 5836-5842, 5844-5846, 5848-5855

Restoring Effective Dates for Public Land Orders**AGENCY:** Department of the Interior.

ACTION: Notice restoring the original effective dates of Public Land orders listed in the Federal Register notice of February 4, 1981, which extended the effective dates for final rules.

SUMMARY: In accordance with the President's memorandum of January 29, 1981, the Department of the Interior published a notice in the Federal Register of February 4, 1981, extending the effective date of rules issued in final form but not yet effective. Included in that notice were 43 Public Land Orders. This notice rescinds the notice of February 4, 1981, as it related to the 43 Public Land Orders listed in that notice, and restores the effective date of each of those Public Land Orders to that set forth in each Public Land Order.

EFFECTIVE DATE: March 6, 1981.

ADDRESS: Any inquiries or comments should be sent to: Assistant Secretary, Land and Water Resources, Department of the Interior, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Frederick N. Ferguson, Deputy Solicitor, at the above address, (202) 343-4813; or

Timothy S. Elliott, Deputy Associate

Solicitor, at the above address, (202) 343-4722.

SUPPLEMENTARY INFORMATION: After consultation with the Director, Office of Management and Budget, the Secretary of the Interior has decided that it is not in the public interest to delay the opening of the public lands set forth in the 43 Public Land Order listed in the Federal Register notice of February 4, 1981 (46 FR 10707), to the operation of the relevant public land laws, including the mining and mineral leasing laws. The publication of the Federal Register notice of February 4, 1981, did not provide the public with sufficient notice of the extension of the effective dates for those Public Land Orders, particularly for those whose effective dates preceded the publication of the notice of February 4, 1981. The lack of timely notice may have caused unintentional inconvenience for members of the public who, in reliance on the previously published effective dates, may have attempted to initiate rights under the public land laws, including the mining and mineral leasing laws, on land presumed to have been opened. The Federal Register notice of February 4, 1981, that extended the effective date of rules issued but not yet in effect is hereby rescinded as it relates to the Public Land Orders listed therein and below:

5797 (46 FR 2046); 5798 (46 FR 2046); 5799 (46 FR 2046); 5802 (46 FR 2047); 5804 (46 FR 2047); 5805 (46 FR 2048); 5806 (46 FR 2048); 5809 (46 FR 6943); 5810 (46 FR 6943); 5812 (46 FR 6944); 5814 (46 FR 6945); 5817 (46 FR 6946); 5818 (46 FR 6946); 5819 (46 FR 6946); 5821 (46 FR 6947); 5824 (46 FR 6948); 5825 (46 FR 7338); 5826 (46 FR 7338); 5827 (46 FR 7339); 5828 (46 FR 7340); 5830 (46 FR 7341); 5831 (46 FR 7341); 5832 (46 FR 7341); 5833 (46 FR 7342); 5834 (46 FR 7342); 5836 (46 FR 7343); 5837 (46 FR 7343); 5838 (46 FR 7343); 5839 (46 FR 7344); 5840 (46 FR 7344); 5841 (46 FR 7345); 5842 (46 FR 7345); 5844 (46 FR 7346); 5845 (46 FR 7346); 5846 (46 FR 7346); 5848 (46 FR 7347); 5849 (46 FR 7347); 5850 (46 FR 7348); 5851 (46 FR 7348); 5852 (46 FR 7349); 5853 (46 FR 7349); 5854 (46 FR 8520); and 5855 (46 FR 8520).

Donald Paul Hodel,*Under Secretary of the Interior.*

March 2, 1981.

[FR Doc. 81-7126 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Sixteenth Revised Service Order No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce
Commission.

ACTION: Sixteenth Revised Service
Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96-254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., March 4, 1981, and continuing in effect until 11:59 p.m., March 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:
M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: March 2, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96-254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Sixteenth Revised Service Order No. 1473 modifies Appendix A of the previous order as follows:

1. In Item 6.A., by deleting the authority of the Fort Worth and Denver Railway Company (FWD) to operate between Groom and Adrian, Texas.

2. Item 11.B., the authority of the St. Louis Southwestern Railway Company (SSW) is extended to include Topeka, Kansas.

3. By deleting Item 21, authority for Louisiana Midland Railway Company to operate between Hodge and Alexandria, Louisiana, pursuant to Order No. 316 of the Reorganization Court, which granted sale of the line segment to Continental Group, Inc. Succeeding items will be renumbered one number less.

Appendix B of Fourteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, that:

§ 1033.1473 Service Order No. 1473.

(a) *Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96-254.

1. The authority contained in Item 5(E) of Appendix A of this order, previously operated by the Union Pacific Railroad Company (UP) between Colby and Caruso, Kansas (milepost 387.8 to 429.3) is conditioned upon the assumption by Burlington Northern, Inc. (BN) of the negotiated agreement between UP and the Rock Island Trustee with regard to the compensation to be paid the Trustee for that line segment until a new agreement is reached between the Trustee and the BN.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date,

notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A 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 that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., March 4, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Public Law 96-254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien. Robert S. Turkington not participating.

Agatha L. Mergenovich,
Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):* A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Peoria, Illinois.

3. *Union Pacific Railroad Company (UP):* A. Beatrice, Nebraska,

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska, C. Limon, Colorado.

4. *Toledo, Peoria and Western Railroad Company (TP&W):* A. Keokuk, Iowa,

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Burlington Northern, Inc. (BN):* A. Burlington, Iowa (milepost 0 to milepost 2.06),

B. Fairfield, Iowa (milepost 275.2 to milepost 274.7),

C. Henry, Illinois (milepost 126) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62),

D. Phillipsburg, Kansas (milepost 282) to CBQ Junction, Kansas (milepost 325.9),

E. CBQ Junction, Kansas (milepost 325.9) to Seibert, Colorado (milepost 487).

6. *Fart Worth and Denver Railway Company (FW&D):* *A. From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately (3) three miles northerly along the old Liberal Line, B. North Fort Worth, Texas (milepost 603.0 to milepost 611.4).

7. *Chicago and North Western Transportation Company (C&NW):* A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri,

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0),

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota,

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6),

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364),

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7),

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0),

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9),

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2),

J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9),

K. From Briceyn, Minnesota (milepost 57.7) to Ocheyedon, Iowa (milepost 246.7),

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502),

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2),

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids,

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6),

P. Sibley, Iowa,

Q. Worthington, Minnesota,

R. Altoona to Pella, Iowa,

S. Carlisle, Indianola, Iowa,

T. Omaha, Nebraska (between milepost 502 to milepost 504),

U. Earlham (milepost 388.6) to Dexter, Iowa (milepost 393.5).

8. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):* A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the

Iowa-Illinois Gas and Electric Company near Fruitland,

B. Washington, Iowa,

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

9. *Davenport, Rock Island and North Western Railway Company (DRI):* A. Davenport, Iowa,

B. Moline, Illinois,

C. Rock Island, Illinois, including 26th Street yard,

D. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex,

E. From East Moline to Silvis, Illinois,

F. From Davenport to Iowa City, Iowa,

G. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island arsenal.

10. *Illinois Central Gulf Railroad Company (ICG):* Ruston, Louisiana.

11. *St. Louis Southwestern Railway Company (SSW):* A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas,

*B. At North Topeka and Topeka, Kansas.

12. *Little Rock & Western Railway Company:* From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

13. *Missouri Pacific Railroad Company:* From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

14. *Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railway Company:* A. Herington-Ft. Worth Line to Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth,

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas,

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma,

D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina (including yard tracks), Kansas,

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9

*Changed.

within the City of Topeka, Kansas, as bridge rights only.

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas.

G. Rock Island right to use interchange tracks to interchange with the Great Southwest Railroad Company located in Grand Prairie, Texas.

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.

I. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

J. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

15. *The Denver and Rio Grande Western Railroad Company*: A. from Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado, (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

16. *Narfalk and Western Railway Company*: is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West, Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

17. *St. Louis-San Francisco Railway Co.*: A. Okeene, Oklahoma,

B. At Lawton, Oklahoma.

18. *Southern Railway Company*: A. At Memphis, Tennessee.

19. *Codillo and Loke City Railroad*: A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 3.9) all in the vicinity of Denver, Colorado.

20. *Baltimore and Ohio Railroad Company*: A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

*21. *Cedar Rapids and Iowa City Railway Company (CIC)*: A. From the west Intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, southward for approximately 2.2 miles, terminating at the intersection of the RI tracks and the southern line of Section 21, Township 79 North, Range 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Davenport, Rock Island and North Western Railway Company.

*22. *Keota Washington Transpartatian Company*: A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

*23. *The La Salle and Bureau County Railroad Company*: A. From Chicago (milepost 0.60) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

24. *Fordyce and Princeton Railroad Company (FP)*: A. From Fordyce to Crossett, Arkansas, which includes assumption of RI's trackage rights over the Ashley, Drew and Northern Railway Company between Whitlow Junction and Crossett, Arkansas.

25. *The Atchison, Topeka and Santa Fe Railway Company*: A. At Alva, Oklahoma.

[FR Doc. 81-7170 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 2)]

Rail General Exemption Authority; Miscellaneous Commodities

March 2, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Final rule: Correction.

SUMMARY: This document corrects a final rule that appeared at pages 9607-9608 in the Federal Register of Thursday, January 29, 1981, relating to Rail General Exemption Authority—Miscellaneous Commodities.

EFFECTIVE DATE: March 6, 1981.

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

The following correction is made: The STCC number of Shelled Walnuts is corrected to 20-712-12.

It was erroneously listed as 20-7-6-12 in the Summary (fourth line); in the fifth line of the third paragraph of Supplementary Information in the third column, on page 9607; and also in the

*Changed.

first paragraph of amended § 1039.10 on page 9608.

Agatha L. Mergonovich,
Secretary.

[FR Doc. 81-7221 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1132

[Ex Parte MC 149]

Procedure for Changing the Name of a Carrier, Broker, or Freight Forwarder

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Final Rules: Revision.

SUMMARY: This notice revises our prior Notice to Interested Parties of Modification of Procedures for Changing Names of Carriers and Shippers in Operating Rights, FR 45730, September 12, 1977 with respect to requests for changing a carrier's name in the Commission's records. It also modifies 49 CFR 1132.1(a) dealing with transactions which accomplish changes in the form of a business. Responsibilities for handling such changes have been transferred to the Office of the Secretary from the Office of Proceedings. The final rules reflect that change.

Since these rules affect internal Commission procedure, they are issued in final form, and public comment will not be required.

DATE: Effective March 6, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen King, 202-275-0956, or Jean Jackson, 202-275-7218.

SUPPLEMENTARY INFORMATION: On September 6, 1977, the Commission revised its procedures for handling changes of names of carriers and shippers in operating rights. A notice of the new procedures appeared at 42 FR 45730, September 12, 1977. Until now such requests were handled by the Office of Proceedings.

Recently, the Office of the Secretary assumed the responsibility of maintaining the central records for motor carriers, water carriers, freight forwarders, and brokers licensed by the Commission. The Applications and Fees Unit of the Secretary's Office now maintains the name and address records of carriers, brokers and freight forwarders and will handle all requests for name changes which do not require a formal proceeding. This includes situations when the name of an applicant in a pending proceeding is changed; when a purely ministerial change occurs in the names of carriers

on outstanding licenses, permits, or certificates; or when a licensed carrier undergoes a change in its form of business such as the incorporation of an individual proprietorship or partnership as provided by 49 CFR 1132.1(a).

49 CFR 1132.1(a) will be modified to reflect that changes involving the form of a business are handled by the Secretary's Office. Requests for carrier, broker and freight forwarder name changes now should be addressed to the Office of Secretary, Applications and Fees Unit, Interstate Commerce Commission, Washington, D.C. 20423. The envelope should be marked NAME CHANGE. There will be no fee for this service.

When a carrier requests a name change it should include a statement that there is no change in the ownership, management or control of the business. If a corporation is involved the carrier should include (1) the names of the owner or owners of the stock and the distribution of the shares; (2) the names of the officers and directors of the new corporation; and (3) a copy of the articles of incorporation or the State certificate reflecting the incorporation.

If the requested name change is accepted, the carrier will receive a notice from the Commission which will be the official acknowledgement of the name change. The Commission's official registration records will be modified accordingly. However, the Commission will not reissue any of the carrier's existing authority in its new name. The carrier will be responsible for modification of its filings of tariffs, insurance and agents designation to reflect the name change.

It should be noted that this name change procedure can only be used when there is no change in ownership or control of the carrier, broker, or freight forwarder. If the information submitted indicates that there is an ownership or control change, requiring an application under either 49 U.S.C. 11343 or 49 U.S.C. 10926, the Secretary's Office will issue a letter reflecting this determination.

The Office of Proceedings will continue to handle requests to change a shipper's name in operating authority. There will be no fee for that service.

The modification set forth below is adopted.

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

Issued under authority of 5 U.S.C. 553 and 49 U.S.C. 10301.

Decided: February 25, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,
Secretary.

Section 1132.1 Definitions, the Note after paragraph (a) is revised to read as follows:

§ 1132.1 Definitions.

(a) * * *

Note.—The term transfer as used in this part does not apply to transactions to accomplish changes in the form of a business, such as the incorporation of a partnership or sole proprietorship. To accomplish such changes, a letter providing the information set forth below should be addressed to the Office of Secretary, Applications and Fee Unit, Interstate Commerce Commission, Washington, D.C. 20423. The envelope should be marked NAME CHANGE. The information required is (1) The docket number(s) and name of the carrier requesting the change; (2) a copy of the articles of incorporation on the state certificate reflecting the corporation; (3) the name(s) of the owner(s) of the stock and the distribution of the shares; (4) the name of the officers and directors of the corporation; and (5) a statement that there is no change in the ownership, management or control of the business.

(5 U.S.C. 553 and 49 U.S.C. 10301)

[FR Doc. 81-6367 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Extension of emergency amendment.

SUMMARY: An emergency regulation in effect through March 4, 1981, allows surf clam fishermen to claim a make-up fishing day for bad weather based on the vessel operator's determination of "bad weather." This notice extends the emergency regulation through March 31, 1981.

EFFECTIVE DATE: From March 4, 1981 through March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director,

Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: An emergency amendment to the regulations implementing the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries was published in the Federal Register on January 15, 1981 (46 FR 3534). The amendment allows vessel operators to claim a make-up period based on their own evaluations of weather and sea conditions. Make-up periods previously were allowed only when small craft warnings were posted in the vessel's fishing area.

The Assistant Administrator for Fisheries, NOAA, has determined that the emergency situation described in this rulemaking continues to exist; therefore, it is necessary to extend the emergency regulation through March 31, 1981, the end of the season during which make-up periods are allowed.

Other Matters

The Administrator of NOAA determines that (1) extending this emergency regulation conforms to the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended) and other applicable law; (2) this action is not a major rule as defined by Executive Order 12291, "Federal Regulation," and consequently does not require the preparation of a regulatory impact analysis; (3) this action does not increase the Federal paperwork burden for individuals, small businesses and other persons; (4) this action will reduce adverse impacts of the regulation on small entities engaged in the surf clam and ocean quahog fisheries; therefore, a regulatory flexibility analysis is not required; and (5) this action will not affect the environment; therefore, no environmental assessment or impact statement need be prepared.

The Director of the Office of Management and Budget has exempted this regulation from the freeze on regulations prescribed by the President's Memorandum of January 29, 1981, entitled "Postponement of Pending Regulations."

Because this regulation responds to an emergency situation and must take effect on March 4, the Assistant Administrator finds it impossible to comply with section 3(c)(3) of Executive

Order 12291. A copy of the regulation has been sent to the Office of Management and Budget, pursuant to section 8(a)(1) of the Executive Order.

(16 U.S.C. 1801 *et seq.*)

For the reasons set out in the preamble, 50 CFR 652.22(a)(7) is continued in effect through March 31, 1981.

Signed at Washington, D.C. this 2nd day of March, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7248 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 46, No. 44

Friday, March 6, 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

Food Safety and Quality Service

7 CFR Part 2859

9 CFR Parts 308 and 381

[Docket No. 80-024]

Prohibition of Polychlorinated Biphenyls (PCB's) and PCB-Containing Equipment or Machinery and Liquid PCB in Federally Inspected Meat Establishments, Poultry Product Establishments and Egg Product Plants; Abeyance of Proposed Rule

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice of Abeyance of Proposed Rule.

SUMMARY: The Food Safety and Quality Service (FSQS) announces that the proposed Federal meat, poultry, and egg product inspection regulations that would prohibit or limit the presence of liquids with PCB's and of equipment or machinery containing liquid PCB's in FSQS inspected plants and establishments will be held in abeyance until further notice. FSQS will not issue any final regulations until further opportunity for comment has been provided.

DATE: The proposed regulations will be held in abeyance until further notice. Comments may be submitted at any time.

ADDRESS: Written comments should be sent to: Regulations Coordination Division, Attn: Annie Johnson, Food Safety and Quality Service, Room 2637, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Bartie T. Woods, Director, Facilities, Equipment and Sanitation Division, Meat and Poultry Inspection Program, U.S. Department of Agriculture, Food Safety and Quality Service, Washington, D.C. 20250, (202) 447-5627.

SUPPLEMENTARY INFORMATION: On May 9, 1980, USDA proposed regulations in the Federal Register that would have prohibited or limited the presence of

liquids with PCB's and of existing machinery and equipment containing liquid PCB's in meat, poultry, and egg product plants and establishments under its inspection (45 FR 30980-30983).

The USDA proposal was coordinated with similar proposals issued by the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA) on the use of PCB-containing equipment or machinery in or around food, feed, food-and-feed-packaging material plants or storage facilities and in facilities manufacturing, processing, or storing fertilizers or agricultural pesticides (45 FR 30980; 30984; 30989).

USDA requested interested persons to submit comments in response to the proposal by July 7, 1980. Based on numerous requests for extensions of the close of the comment period, the closing was subsequently extended to November 4, 1980, (45 FR 44317); to December 4, 1980, (45 FR 71364); and to March 4, 1981, (45 FR 79819).

USDA's proposal was, in part, based on a 50 parts per million (ppm) by weight PCB cut-off point established in studies conducted by the Environmental Protection Agency (EPA).

Subsequent to publication of the USDA proposal, existing regulations of EPA which contained this 50 ppm cutoff point were struck down by a federal Court of Appeals. See *Environmental Defense Fund v. Environmental Protection Agency*, No. 79-1580 (D.C. Cir. October 30, 1980). The court found, in part, that, under the applicable standards of the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*), there was insufficient evidence in the record to support EPA's decision to exclude from regulation materials containing concentrations of PCB's below 50 ppm. Accordingly, the challenged EPA regulations were held unlawful and remanded to EPA for further proceedings consistent with the court opinion.

EPA is currently attempting to resolve the concerns of the litigants in light of the court's order.

Because of this Court of Appeals' decision, several inquiries and comments have been received asking what action will be taken with regard to the pending FSQS proposal. This notice responds to those inquiries.

While the court decision may not necessarily be determinative concerning the FSQS proposal, it at least suggests

the desirability of further FSQS consideration of relevant technical data. In addition, as mentioned above, FSQS has been attempting to coordinate this proposal with similar rulemaking actions by EPA and FDA. Therefore, USDA has decided to hold in abeyance the May 9, 1980, proposed regulations. USDA will subsequently determine whether to repropose, withdraw the proposal, or continue the current rulemaking. This determination will be the subject of a future notice. If the decision is made to continue the current rulemaking proceeding, USDA will reopen the comment period by means of a notice published in the Federal Register and interested persons will be given further opportunity to comment.

In the meantime, USDA encourages the submission of additional comments by anyone who has information that would assist USDA in making its decision.

Elsewhere in this issue of the Federal Register is a notice of abeyance for the FDA proposal.

Done at Washington, D.C. on February 25, 1981.

L. L. Gast,
Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-7094 Filed 3-3-81; 10:30 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

CFR Ch. I

[Docket No. EL81-9-000]

Examination of Policies Relating to Preliminary Permits for Hydropower Projects

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Inquiry.

SUMMARY: The Commission requests comments on various issues regarding the issuance of preliminary permits under Part I of the Federal Power Act. This is a preliminary inquiry to assist the Commission in determining what action, if any, would be appropriate with respect to these issues. Further notice will be given if the Commission determined to proceed with a

rulemaking. The issues with respect to preliminary permits involve (1) the municipal preference and the joint municipality/non-municipal entity application and (2) discontinuation of preliminary permit issuances.

DATE: Comments are due on or before March 18, 1981.

ADDRESS: File comments with:

Kenneth F. Plumb, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, FERC (202) 357-8400.

SUPPLEMENTARY INFORMATION:

Issued: February 19, 1981.

I. Introduction

The Federal Energy Regulatory Commission (Commission) requests comment on various issues regarding the issuance of preliminary permits under Part I of the Federal Power Act (16 U.S.C. 791a-823a). This request for comments is a preliminary inquiry to assist the Commission in determining what action, if any, would be appropriate with respect to these issues. If the Commission determines to proceed with rulemakings on these matters, it will issue Notice of Proposed Rulemaking pursuant to the Administrative Procedure Act.

II. Specific Requests for Comment

Comments are requested on the following issues with respect to preliminary permits:

A. Municipal Preference and the Joint Municipality/Non-Municipal Entity Application

1. Should an application for a preliminary permit filed jointly by a municipality and a non-municipal entity be entitled to municipal preference? ¹

2. If a municipal preference is available to an application filed jointly by a municipality and a non-municipal entity, should such a joint application be required to meet certain criteria? Criteria could, for example, require that the municipality have a minimum percentage of ownership in the project or be entitled to a minimum percentage of power generated (e.g., 50%).

3. If a municipal preference is available to an application filed jointly by a municipality and a non-municipal entity, what should be the nature of this preference in competition with an application filed by: (a) one or more

municipalities? (b) one or more non-municipal entities? (c) another municipality and non-municipal entity jointly?

B. Discontinuation of Preliminary Permit Issuances

1. Should the Commission discontinue issuance of preliminary permits for all jurisdictional projects?

2. Should the Commission discontinue issuance of preliminary permits for specified categories or projects? Categories could be based on factors such as proposed installed generating capacity (e.g., 1.5 MW or less, 5 MW or less), magnitude of proposed construction (e.g., development at existing dams), etc.

III. Comment Procedure

Commenters are requested to address questions of statutory interpretation and policy considerations raised by the above issues. Commenters are also encouraged to discuss the alternative resolutions of the issues presented in this Notice and the practical effect that such alternatives will have on both the interests of the commenter and on hydroelectric development generally.

Comments must be submitted in writing not later than March 18, 1981. Comments should be filed with the Secretary of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Comments should indicate the name, title, mailing address, and telephone number of the commenter and should reference Docket No. EL81-9-000. All comments will be placed in the public files of the Commission and will be available for public inspection at the Commission's Division of Public Information during regular business hours.

By direction of the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7130 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Parts 34 and 131

[Docket No. RM81-18]

Application for Authorization of the Issuance of Securities or the Assumption of Liabilities

Issued: February 27, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: By this Notice, the Federal Energy Regulatory Commission (Commission) proposes to revise its regulations at 18 CFR Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities. Among the changes would be various clarifications, simplifications, reductions and deletions to the provisions of this Part. The changes are proposed as part of the Commission's effort to update its reporting and filing requirements and to eliminate unnecessary reporting burdens for those entities which file applications or reports with the Commission pursuant to Part 34.

DATE: Comments are due by March 30, 1981.

ADDRESS: Comments to this Notice should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 and should reference Docket No. RM81-18.

FOR FURTHER INFORMATION CONTACT: Robert E. Hildebrand, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 3408N, Washington, D.C. 20426, (202) 357-9184.

I. Background

The Federal Energy Regulatory Commission (Commission) proposes to revise 18 CFR Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities. Part 34 applies to any issuance of a security or assumption of obligation or liability by a public utility or licensee for which approval must be obtained from the Commission pursuant to sections 19 and 20, and 204 of the Federal Power Act (FPA) (16 U.S.C. 792-828c).

The proposed changes to Part 34 reflect a new evaluation of the data needed by the Commission to carry out its regulatory functions. As a result, certain clarifications, simplifications, reductions and deletions have been made to the requirements in Part 34. The changes should facilitate the processing of security applications as well as reduce the filing and reporting burdens upon the affected utilities.¹

II. Summary of Proposed Changes

Pursuant to this Notice of Proposed Rulemaking, Part 34 would be completely restructured and descriptions of the requirements therein

¹ All references to "utilities" herein include public utilities, licensees and other entities.

¹ "Municipal preference" refers to the preference available under Section 7(a) of the Federal Power Act to both states and municipalities, as defined in Section 3 (6) and (7), respectively.

would be clarified and simplified for ease of compliance.

The changes to Part 34 would include the following:

New Sections

§ 34.1.

(a) [Current § 34.1]—no substantive change.

(b) [New]—provides definitions for "utility," "securities," and "issuance or placement of securities," for purposes of this Part.

(c)(1) [New]—clarifies the exemption from Commission regulation of the issuance of securities by utilities where such issuances are regulated by an appropriate State agency; this provision, which is consistent with current Commission practice, requires that the State agency give express *advance* approval of any proposed issuance of securities.

(2) [Current § 34.20]—clarifies the exemption from Commission regulation of the issuances of securities where such securities are short-term.

(3) [New]—clarifies the exemption for certain non-utility-owned qualifying facilities which are otherwise exempt from Commission regulation. In a related rulemaking, Docket No. RM81-2, the Commission is determining whether and to what extent *utility*-owned geothermal facilities should be exempt from Part 34 regulation, in accordance with sections 201 and 210 of the Public Utility Regulatory Policies Act, as amended by the Energy Security Act of 1980. Commenters are specifically requested to address this matter.

§ 34.2.

(a)(1) [Current § 34.1a(a)]—clarifies competitive bidding requirements and provides exemptions from such requirements.

(2) [Currently within § 34.1a(c)]—clarifies and simplifies competitive bidding procedures.

(b)(1) [Currently within § 34.2(f)(2)]—clarifies the requirements for negotiated placement of securities.

(2) [Current § 34.2(f)]—clarifies the Commission's requirements for negotiated placements of securities.

(c) [Current § 34.1a(b)]—no substantive change.

[Current § 34.1a(c) is removed.]

§ 34.3 [Current § 34.2].

(a)-(c) [Current § 34.2(a)-(c)]—no substantive change.

(d) [New]—requests date by which Commission action on the application is sought.

(e)(1)-(4) [Current § 34.2(d)(1)-(4)]—no substantive change.

(5) and (6) [New]—requires stock exchange information and data in support of an exemption from competitive bidding requirements. This information is currently reported by telephone.

[Current paragraph § 34.2(d)(5) is removed.]

(f) [Current paragraph § 34.2(e)]—simplifies the requirements for a description of the method used for issuances, sales, or assumptions. [Current paragraphs (1) through (4) are removed.]

[Current paragraphs § 34.2 (f) and (g) are removed.]

(g) [Current paragraph § 34.2(h)]—no substantive change.

[Current paragraph § 34.2(i) is removed.]

(h) [Current paragraph § 34.2(j)]—simplifies the requirements for reporting the purpose for which the securities are to be used.

[Current paragraphs § 34.2(k), (l) and (m) are removed.]

(i) [Current paragraph § 34.2(n)]—provides that the statement concerning information about the application which must be filed with other regulatory bodies, is only required if such information must be filed with a State regulatory body.

(j) [Current paragraph § 34.2(o)]—no change.

[Current paragraph § 34.2(p) is removed.]

(k) [New]—requires details concerning bond indenture(s) or other limitations on interest and dividend coverage and the effects of each limitation. This information is currently reported by telephone.

(l) [New]—requires a brief summary of rate changes placed in effect during or subsequent to the date of the financial statements. This information is currently reported by telephone.

(m) [Current paragraph § 34.2(q)]—no substantive change.

(n) [New]—clarifies the requirement to include appropriate exhibits with each application.

§ 34.4 [Current § 34.3].

Exhibit A. [Current *Exhibits A* and *B.*]—adds a note which provides that, in certain instances, specific references may be made to the applicant's charter or bylaws, in lieu of supplying the entire documents.

[Current *Exhibit C* is removed.]

Exhibit B. [Current *Exhibit D*]—no substantive change.

[Current *Exhibits E* and *F* are removed.]

Exhibit C. [Current *Exhibit G*]—no substantive change.

Exhibit D. [Current *Exhibit H*]—no substantive change.

[Current *Exhibits I, J* and *K* are removed.]

Exhibit E. [Current *Exhibit L*]—no substantive change.

[Current *Exhibit M* is removed.]

Exhibit F. [Current *Exhibit N*]—removes the requirement to attach a copy of each application and exhibit filed with a State agency, and a certified copy of action taken thereon.

Exhibit G. [Current *Exhibit O*]—simplifies and clarifies the requirement concerning invitations for proposals to purchase or underwrite the securities to be issued.

[Current *Exhibit P* is removed.]

Exhibit H. [New]—requires a summary tabulation of all proposals received for negotiated placement of securities, including certain details about such securities. This information is currently reported in individual data requests. *Exhibit H* also consolidates data requirements concerning identification of certain persons with whom negotiations took place, and justification of a utility's intention to accept a particular offer.

Exhibit I. [Current *Exhibit Q*]—adds, for clarification purposes, a new requirement (Item 6) concerning the deletion of a significant item or change in total estimated cost of a facility. This information is currently reported in individual data requests.

[Current *Exhibit R* is removed.]

Exhibit J. [New]—adds a requirement showing the applicant's estimate of its peak load and generating capacity for the next five years; and any plans for changing capacity. This information is currently reported in individual data requests.

§ 34.5 [Current § 34.4]—no substantive change.

§ 34.6 [Current § 34.5]—no substantive change.

§ 34.7 [Current § 34.6]—deletes the requirement for an applicant to file with the Commission, a copy of an application for each State affected, in addition to such copies required for Commission purposes.

§ 34.8 [Current § 34.7]—no substantive change.

§ 34.9 [Currently within § 34.2]—clarifies the application fee requirement. § 34.10 [Current § 34.8]—reduces the amount of data to be filed in a securities report to the Commission and revises the time period for which information is required.

[Current §§ 34.9 through 34.24 are removed. The data in § 34.9, concerning Commission action on applications for issuance of securities, is essentially

summarized elsewhere in Part 34. § 34.10, which requires a disclaimer with respect to Commission authority is duplicated in Commission orders and is, therefore, not required here. §§ 34.20 through 34.24, concerning the requirements for a certificate of notification, are summarized in § 34.1(c).]

Certain conforming changes would be made to § 131.43, *Report of securities issued*, and to § 131.50, *Certificate of Notification*. Certain details concerning outstanding securities would also be deleted from § 131.50, and the requirement would be added to report date of State authorization and applicable docket number.

III. Certification of No Significant Economic Impact

The Regulatory Flexibility Act (RFA)² requires certain statements, descriptions and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities."

Pursuant to section 605(a) of the RFA, the Commission finds that the provisions of that Act do not apply to this rulemaking. If promulgated, this rulemaking would simplify and clarify the provisions of 18 CFR Part 34. Part 34 sets out the requirements for applications filed with the Commission by public utilities, licensees and other entities who propose to issue securities or assume liabilities. Virtually all entities which have recently filed such applications with the Commission are "Class A" utilities and licensees, which have annual electric operating revenues of \$2,500,000 or more. (See Item 1.A. of the General Instructions at 18 CFR Part 101, Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class A and Class B)). The large size of these filing entities indicates that they are not the type of affected "small entities" that RFA procedures seek to protect.

The coverage of Part 34 is not restricted to issuances or assumptions solely by Class A utilities. Part 34 covers all issuances and assumptions by any utility, depending on whether an agency in a State in which the utility is organized or operates, regulates such issuances, and whether the issuances are of such a short-term nature as to be exempt from Commission regulation under section 204(e) of the Federal Power Act. Even proposed issuances or assumptions by the relatively smaller Class B utilities (*i.e.*, those with revenues between \$1,000,000 and

\$2,500,000) may be subject to the provisions of Part 34. Nevertheless, both Class A and Class B utilities are considered "large" by Commission standards and large in comparison to many of the smaller municipally-owned utilities or rural cooperatives.

This rulemaking will not impose any substantial regulatory or administrative burden upon small entities, and, therefore, does not require any expenditure of resources by such entities. For these reasons, the Commission hereby certifies that this rulemaking, if promulgated, would not have a significant impact on a substantial number of small entities.

IV. Written Comment Procedures

The Commission invites interested persons to submit written data, views and other information concerning matters set out in this Notice. In particular, the Commission requests that comments address the following questions:

1. What is the current reporting burden, in dollars and hours, associated with the filing of an application pursuant to Part 34?

2. What decrease (increase) in reporting burden (if any) would occur as a result of the proposed revisions to Part 34?

All comments in response to this Notice should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should refer to RM81-18. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. E.S.T. March 30, 1981, will be considered by the Commission in promulgating the final regulations.

All written submissions will be placed in the Commission's public file and will be available for public inspection during regular business hours in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

(Department of Energy Organization Act, 42 U.S.C. 7101-7352; Federal Power Act, 16 U.S.C. 792-828(c); Regulatory Flexibility Act, Pub. L. No. 96-354, September 19, 1980; E.O. 12009, 3 CFR, 1977 Comp., p. 142)

In consideration of the foregoing, the Commission proposes to revise Part 34 and amend Part 131 of Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

By direction of the Commission,
Kenneth F. Plumb,
Secretary.

1. Part 34 is revised to read as follows:

PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

Sec.

- 34.1 Applicability; definitions; exemptions in case of certain State regulation, certain short-term issuances, and certain qualifying facilities.
- 34.2 Competitive bidding requirements; negotiated placements; exemptions.
- 34.3 Contents of application for competitive bids or negotiated placements.
- 34.4 Required exhibits.
- 34.5 Additional information.
- 34.6 Form and style.
- 34.7 Number of copies to be filed.
- 34.8 Verification.
- 34.9 Filing fee.
- 34.10 Reports.

Authority: Federal Power Act, Secs. 3(16), 19, 20, 41 Stat. 1063, 1073; secs. 203, 204, 305, 308, 309, 49 Stat. 849, 850, 856, 858; 16 U.S.C. 796(16), 812, 813, 824b, 824c, 825d, 825g, 825h, unless otherwise noted.

Cross References: For rules of practice and procedure, see Part I of this chapter. For forms under rules of practice and regulations, Federal Power Act, see Part 131 of this chapter.

§ 34.1 Applicability; definitions; exemptions in case of certain State regulation, certain short-term issuances, and certain qualifying facilities.

(a) *Applicability*. The requirements of this Part shall apply to applications for authorization from the Commission to issue securities or assume an obligation or liability which are filed by:

(1) Licensees and other entities pursuant to sections 19 and 20 of the Federal Power Act (41 Stat. 1073, 16 U.S.C. 812, 813) and Part 20 of the Commission's regulations; and

(2) Public utilities pursuant to section 204 of the Federal Power Act (49 Stat. 850, 16 U.S.C. 824c).

(b) *Definitions*. For the purposes of this Part:

(1) The term "utility" shall mean a licensee, public utility, or other entity seeking authorization under sections 19, 20 or 204 of the Federal Power Act, unless otherwise specified;

(2) The term "securities" shall include any note, stock, treasury stock, bond, or debenture or other evidence of interest in or indebtedness to a utility; and

(3) The term "issuance or placement of securities" shall mean issuance or placement of securities, or assumption of obligation or liability, unless otherwise specified.

(c)(1) *Exemption if State regulates securities prior to issuance*. A utility which is organized and operating in a State under the laws of which its security issuances are regulated by a State agency, shall be exempted from

² 5 U.S.C. 601-612 (Pub. L. 96-354, September 19, 1980).

the provisions of sections 19, 20, or 204 of the Federal Power Act, as the case may be, and from the provisions of this Part: *Provided, however*, That such State agency is required to exercise such regulatory authority with respect to the issuance of such securities prior to such issuance, and that such utility must obtain express authorization from such State agency prior to the issuance of such securities.

(2) *Exemption for short-term notes or drafts.* Pursuant to section 204(e) of the Federal Power Act, the issuance, renewal, or assumption of liability on a note or draft:

(i) Maturing not more than one year the date of such issuance, renewal, or assumption of liability, and

(ii) Aggregating (together with all other then outstanding notes and drafts of a maturity of one year or less on which such utility is primarily or secondarily liable) not more than 5 per cent of the total of the other securities of the utility then outstanding, including:

(A) In the case of securities having a par value, such par value, and

(B) In the case of securities having no par value, the fair market value of such securities as of the date of issuance, renewal or assumption of such note or draft, is exempt from Commission regulation pursuant to this Part: *Provided, however*, That within 10 days after any such issuance, renewal, or assumption of liability, the utility shall file with the Commission a certificate of notification, in the form set forth in § 131.50 of this chapter.

(3) *Exemption for certain qualifying facilities.* Any cogeneration or small power production facility which is exempt from sections 19, 20 or 204 of the Federal Power Act pursuant to § 292.601 of this chapter shall be exempt from the provisions of this Part.

§ 34.2 Competitive bidding requirements; negotiated placements; exemptions.

(a)(1) *General requirement for competitive bidding; exemptions.* Every issuance by a utility of a security subject to sections 19, 20 or 204 of the Federal Power Act shall be made only after public invitation for and acceptance of competitive bids for such securities in accordance with the requirements of this Part, except when:

(i) The securities are to be issued to holders of existing securities on a pro-rata basis;

(ii) The securities are to be issued to a commercial bank, insurance company or similar institution and are not for resale to the public: *Provided, however*, That no fee or commission is paid to any third party for negotiating the transaction

(except an associated service company charging only its costs of service);

(iii) The securities to be issued have a maturity of one year or less; or

(iv) The issuance of the securities, if not otherwise exempt from the competitive bidding requirements under paragraph (a)(1)(i), (ii), or (iii), is nevertheless exempted by the Commission pursuant to a utility's request, under paragraph (b)(2), for authority to negotiate for placement of securities, in lieu of seeking competitive bids:

Provided, however, That the Commission may deny any such exemption from competitive bidding upon a finding that a non-competitive placement is not consistent with the public interest.

(2) *Competitive bid application and Commission action thereon.* A utility which proposes to issue securities subject to this Part according to competitive bidding procedures shall file an application with the Commission under this Part for authority to make such issuances. Upon the receipt of such authorization, the utility may, without further Commission action, invite bids and issue the securities: *Provided, however*, That:

(i) Such proposed bids as may be received in response to the public invitation shall not be opened at any time or place other than as specified in the invitation;

(ii) The duly authorized representative of any person making any such proposed bid shall be entitled to be present at the opening of such proposed bids and may examine each such proposed bid submitted;

(iii) The invitation shall refer to the prohibitions set forth in paragraph (c);

(iv) At least two of the bids received shall meet the conditions set forth in the invitation for bids; and

(v) (A) The bid which is accepted shall provide the utility with the greatest overall proceeds, or be the least costly of the proposals obtained, or

(B) If the utility intends to accept a bid other than that described in paragraph (a)(2)(v) (A), the utility shall before accepting such a bid:

(1) File with the Commission such further justification as the Commission may require, in support of such utility's intention to accept such other bid, and

(2) Obtain Commission approval to accept such other bid.

(b) *Negotiated placements.*

(1) *Negotiated placement application pursuant to paragraph (a)(1)(i), (ii) or (iii), and Commission action thereon.* Any utility which is exempt from the competitive bidding requirements under

paragraph (a)(1)(i), (ii) or (iii) shall submit an application for negotiated placement of securities pursuant to § 34.3. Upon the Commission's authorization to such utility for negotiated placement of such securities, the utility may, without further Commission action, make such placement.

(2) *Negotiated placement application pursuant to paragraph (a)(1)(iv), and Commission action thereon.*

(i) A utility which requests authority to issue securities by negotiation pursuant to paragraph (a)(1)(iv) shall:

(A) File for, and obtain an exemption from, the Commission's competitive bidding requirements prescribed in paragraph (a);

(B) Upon receipt of such exemption, shall negotiate with, and obtain proposals with regard to placement of such securities from, at least three prospective dealers, purchasers or underwriters, each of whom shall be notified of the prohibitions set forth in paragraph (c);

(C) File an application for authority to issue such securities, pursuant to § 34.3.

(ii) Upon the Commission's authorization to a utility to issue such securities, such utility may, without further Commission action, make such issuances.

(c) *Prohibitions respecting competitive bids or negotiated placements.* No bid for the placement of any securities shall be invited or accepted from, nor shall negotiations occur with, any person who:

(1) Prior to the submission of bids, or beginning of negotiations, has performed any service for any fee or compensation in connection with such proposed issuance of securities; or

(2) Violates section 305(a) of the Federal Power Act with respect to such bid, invitation, or negotiation.

§ 34.3 Contents of application for competitive bids or negotiated placements.

Each application to the Commission for authority to issue securities shall contain the following information:

(a) The exact name of the applicant and address of its principal business office.

(b) The State or other sovereign power under which the utility is incorporated, the date of incorporation, and each State in which it operates.

(c) The name, address and telephone number of the person within the utility authorized to receive notices and communications with respect to the application.

(d) The date by which Commission action is requested.

(e) A full description of the securities proposed to be issued, including:

- (1) Type and nature of securities;
- (2) Amount of securities (par or stated value and number of units);
- (3) Interest or dividend rate, if any;
- (4) Dates of issuance and maturity;
- (5) Institutional rating of the securities, or if the securities are not rated, an explanation thereof;
- (6) Any stock exchange on which the securities will be listed; and
- (7) If such issuance is exempt from the competitive bidding requirements pursuant to § 34.2(a)(1) (i), (ii) or (iii), information in support of such exemption shall be filed.

(f) A description of the method used for issuance and sale of the proposed securities or the procedure by which the applicant will assume any obligation or liability as guarantor, endorser, surety, or otherwise.

(g)(1) (i) The name and address of any person receiving or entitled to receive a fee for services (other than attorneys, accountants and similar persons who render technical services) related to the negotiation, issuance or sale of securities; or, receiving or entitled to receive a fee for services in securing underwriters, sellers, or purchasers of securities, except as related to any competitive bid;

(ii) The amount of each such fee;

(iii) The facts showing that the services are necessary, and that the fee is reasonable for rendering services in an arm's length transaction; and

(iv) Any other relevant factors.

(2) All facts showing or tending to show that the applicant directly or indirectly controls, is controlled by, or is under the same common control as any person named pursuant to the requirements of paragraph (g)(1)(i); or facts showing or tending to show the contrary. For purposes of this clause, "control" has the same meaning as "Control" in Item 5.B. of the Definitions at 18 CFR Part 101 Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class A and Class B).

(h) The purpose for which securities are to be issued:

(1) If the purpose for such issuance is the construction, completion, extension, or improvement of facilities, describe in reasonable detail the construction program for which the funds were or are to be used and submit such information as part of Exhibit I.

(2) If the purpose for such issuance is for the refunding of obligations, describe in detail the obligations to be refunded, including the character, principal amounts, applicable discount or

premium, dates of issuance and maturity, and all other material facts concerning such obligations.

(3) If the purpose for such issuance is for other than construction or refunding, explain such other purpose(s) in detail.

(i) A statement as to whether or not any application with respect to the transaction or any part thereof is required to be filed with any State regulatory body.

(j) A detailed statement of the facts relied upon by the applicant to show that the issuance:

(1) Is for some lawful object, within the corporate purposes of the applicant and compatible with the public interest, is necessary or appropriate for or consistent with the proper performances by the applicant of service as a public utility and will not impair its ability to perform that service, and

(2) Is reasonably necessary or appropriate for such purposes.

(k) A detailed statement of the bond indenture(s) or other limitations on interest and dividend coverage, and the effects of such limitations on the issuance of additional debt or equity securities.

(l) A brief summary of any rate changes which were made effective during the period for which financial statements are submitted or which became or will become effective after the period for which statements are submitted.

(m) A form of notice suitable for publication in the Federal Register, setting forth: (1) the legal name of the applicant, (2) the securities offered for issuance including the proposed issue date, (3) the purpose of the issuance, and (4) the comment procedure.

(n) Each of the applicable exhibits required under § 34.4.

§ 34.4 Required exhibits.

(a) *Exhibit A.* A copy of the applicant's charter or articles of incorporation with amendments to date; and a copy of the by-laws with amendments to date: *Provided, however,* That if the documents required in this exhibit have been filed with the Commission no more than 5 years prior to the current application, a specific reference to and the date of such previous filings will be accepted in lieu of separate filings; but if such documents have been filed more than 5 years prior to the current application, a copy of the most recent articles of incorporation and bylaws with all amendments to date shall be filed.

(b) *Exhibit B.* A copy of all resolutions of applicant's directors authorizing the issuance of securities for which the application is made; and copies of the

resolution of the stockholders approving such issuance if approval of the stockholders has been obtained.

(c) *Exhibit C.* A statement of the measure of control or ownership exercised by or over the applicant as to any utility, bank, trust company, banking association, firm that is authorized by law to underwrite or participate in the marketing of securities of a utility, or any company supplying electric equipment to such applicant. If any intercorporate relationships exist among any such entities through holding companies, ownership of securities, or otherwise, a statement is required concerning the ownership of securities or the nature and extent of such relationship. If the applicant is not a member of any holding company system, a statement to that effect is required.

(d) *Exhibit D.* Balance sheets and supporting plant schedules with attached notes for the most recent 12 month period, on both an actual basis and pro forma basis in the form prescribed for Statement A, "Comparative Balance Sheet," and Statement B, "Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion," of Form No. 1, "Annual Report for Electric Utilities, Licensees and Others (Class A and Class B)" (see 18 CFR 141.1). Each adjustment made in determining the pro forma basis shall be clearly identified.

(e) *Exhibit E.* Income statement, with attached notes, for the most recent 12 month period, on both an actual basis and a pro forma basis in the form prescribed for Statement C ("Statement of Income for the Year") of Form No. 1. Each adjustment made in determining the pro forma basis shall be clearly identified.

(f) *Exhibit F.* A copy of registration statement and exhibits which are filed with the Securities and Exchange Commission for the proposed security issuance.

(g) *Exhibit G.* A copy of the public invitation(s) for proposals to purchase or underwrite the securities offered for issuance.

(h) *Exhibit H.* (1) A copy of each proposal received by the applicant for a negotiated placement of the securities offered for issuance, and a summary tabulation of all proposals. The summary shall include the following information, identified by prospective dealer, purchaser or underwriter:

- (i) Par or stated value of the securities.
- (ii) Number of units (shares of stock, number of bonds) to be issued.
- (iii) Total dollar amount of the issue.

- (iv) Life of the securities, including maximum life and average life, for a sinking fund issue.
- (v) Dividend or interest rate.
- (vi) Call provisions.
- (vii) Sinking fund provisions.
- (viii) Offering price to public or to other purchaser(s).
- (ix) Discount or premium.
- (x) Commission or underwriting spread.
- (xi) Net proceeds to company for each unit of security and for the total issue.
- (xii) Net cost to the company for securities with a stated interest or dividend rate.
- (xiii) Other pertinent data.
- (2) A list identifying any person with whom negotiations took place but from whom no proposal was received.
- (3) A justification in support of the utility's intention to accept a particular offer.
- (i) *Exhibit I.* Information concerning the construction program including:
- (1) The name, location and size (in megawatts) of generating stations which are to be constructed, or in which are to be installed major additions such as generators, boilers, etc.;
- (2) The length of transmission lines to be constructed or rebuilt, the geographical termini of such lines, the supporting structure, number of circuits, size and type of conductor, the voltage, frequency, and number of phases;
- (3) Name and location of major substations to be constructed or rebuilt, the kilovolt capacity and voltages of transformers installed;
- (4) Any other major additions or improvements to electric facilities;
- (5) The expenditures (to most recent date), the estimated completion date, the ultimate cost in place for each of the items listed in items A through D. If the construction program extends over more than one calendar year, provide the estimated cost for each succeeding calendar year; and
- (6) Any deletions of significant items such as a generating station or major transmission line, or any significant changes in the total estimated cost for such facility which were previously submitted in an application under this Part: *Provided, however*, That if the information required in this exhibit is reported in the Commission's Form No. 1 or other Commission report, a specific reference to the appropriate portions of such report may be attached in lieu of filing this exhibit.
- (j) *Exhibit J.* A tabulation showing, for each of the next five years, the applicant's estimate in megawatts of its peak load, and the generating capacity (*i.e.*, system plus purchases, minus sales) which will be available to meet

such loads. Explain briefly in a footnote any plans to dispose of any excess capacity or to provide for deficient capacity: *Provided, however*, That if the information required in this exhibit is reported in a Commission report or ERA Form No. 119-A, a specific reference to the appropriate portions of such report may be attached in lieu of filing this exhibit.

(Federal Power Act, Secs. 3, 4, 15, 16, 301, 308, 309; 41 Stat. 1063-1066, 1068, 1072, 1075; 49 Stat. 838, 839, 840, 841, 854-856, 858-859, 82 Stat. 617 (U.S.C. 796, 797, 803, 808, 809, 816, 825, 825b, 825c, 825g, 825h, 826i))

§ 34.5 Additional information.

The Commission may, in its discretion, require the filing of additional information which appears necessary to reach a determination on any particular application.

§ 34.6 Form and style.

Each application pursuant to Part 34 shall conform to the requirements of § 1.15 of this chapter.

§ 34.7 Number of copies to be filed.

Each applicant shall submit to this Commission an original and five copies of each application pursuant to Part 34.

§ 34.8 Verification.

The original application shall be signed by an authorized representative of the applicant, who has knowledge of the matters set forth therein, and it shall be verified under oath.

§ 34.9 Filing fee.

Each application shall be accompanied by a fee as prescribed in 18 CFR 36.2.

§ 34.10 Reports.

The applicant shall file a report pursuant to 18 CFR 131.43 no later than 45 days after the sale or placement of equity or long-term debt securities, or entry into other contractual obligations pursuant to authority granted under this Part. This requirement does not apply to debt having a maturity of one year or less.

PART 131—FORMS

2. Section 131.43 is amended by revising the first two parenthetical sentences following the section heading, to read as follows:

§ 131.43 Report of securities issued.

(See § 34.10 of this chapter.)
(Submit an original and five copies.)
* * * * *

3. Section 131.50 is revised to read as follows:

§ 131.50 Certificate of notification.

(See § 34.1(c)(2) of this chapter. If the aggregate amount of the issuance reported herein, together with all other outstanding notes and drafts with a maturity of 1 year or less is in excess of 5 percent of the par value of the outstanding securities at the date of the issuance in accordance with § 34.1(c)(2)(B) of this chapter, the respondent shall file an application pursuant to Part 34 of this chapter.)

(Submit an original and five copies.)

[Name of public utility]

[Address of public utility]

This is to certify that the following are the facts relating to an issuance entered into by the above-named public utility to which the provisions of section 204(e) of the Federal Power Act are applicable:

(1) Date of issuance, renewal, or assumption.

(2) Description of the terms of the note or draft including the amount, payee, interest rate and maturity date.

(3) Aggregate amount of such note or draft, and all other outstanding notes and drafts of a maturity of 1 year or less on which the public utility is primarily or secondarily liable at the date of this issuance.

(4) Total par value (or, in the case of securities having no par value, the fair market value as of the date of this issuance) of all other securities outstanding at the date of this issuance.

(5) Full details on how fair market value of securities having no par value was calculated at the date of this issuance of securities.

(6) Date of State authorization and docket number, if applicable.

(Name and title of person who signs this certificate)

[CORPORATE SEAL]

Subscribed and sworn to before me this ____ day of _____, 19____.

(Notary public)

Only original need be verified.

[FR Doc. 81-7028 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 109, 110, 225, 226, 500, and 509

[Docket No. 80N-0128]

Current Good Manufacturing Practice Relating to Poisonous and Deleterious Substances in Food, Feed, and Food-Packaging Materials Plants; Polychlorinated Biphenyls (PCB's); Abeyance of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Notice of abeyance of proposed rule.

SUMMARY: The Food and Drug Administration (FDA) announces that the proposed rule that would prohibit or limit the amount of polychlorinated biphenyls (PCB's) in sealed electrical transformers or capacitors used or stored in or around food, feed, and food- and feed-packaging materials manufacturing and storage facilities is held in abeyance until further notice while FDA decides whether to issue a reproposal, withdraw the proposal, or issue a final regulation.

DATES: Proposed rule held in abeyance until further notice. Comments may be submitted at any time.

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

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFA-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: FDA Published a proposed rule in the Federal Register of May 9, 1980 (45 FR 30984) that would have prohibited or limited the amount of PCB's in sealed electrical transformers and capacitors used or stored in or around food, feed, and food- and feed-packaging materials plants or storage facilities. FDA requested that comments submitted in response to that proposal include information regarding the numbers, types, and locations of PCB-containing transformers or capacitors used or stored in or around FDA-regulated food, feed, or food-packaging materials plants and storage facilities, a reasonable time estimate for replacing such electrical equipment or replacing the PCB fluid in such equipment, and an estimate of the cost involved.

Interested persons were requested to submit comments by July 7, 1980. After receiving a number of requests for extensions, FDA extended the comment period to November 4, 1980, by notice published in the Federal Register of July 1, 1980 (45 FR 44325); to December 4, 1980, by notice published in the Federal Register of October 28, 1980 (45 FR 71364); and to March 4, 1981, by notice published in the Federal Register of December 2, 1980 (45 FR 79856).

The FDA proposal was based in part on a limit of 50 parts per million (PPM) established by the Environmental Protection Agency (EPA) as a cut-off point for the purpose of regulating

residual amounts of PCB's in retrofilled equipment, such as transformers. However, after the publication of the FDA proposal, the 50 ppm EPA limit and other provisions of the EPA regulation were challenged by a public interest group as violative of section 6(e) (2) and (3) of the Toxic Substances Control Act, 15 U.S.C. 2605(e) (2) and (3). See *Environmental Defense Fund v.*

Environmental Protection Agency, No. 79-1580 (D.C. Cir. October 30, 1980). In that action the court found that there was no substantial evidence to support EPA's determination to classify certain PCB uses as "totally enclosed" and thus exempt from regulation. The court also found that there was no substantial evidence in the record to support EPA's decision to exclude from regulation all materials containing concentrations of PCB's below 50 ppm. Accordingly, the court held the EPA regulations unlawful, set aside the challenged regulations, and remanded the rulemaking to EPA for further proceedings consistent with the court opinion.

On December 15, 1980, the court denied petitions for rehearing that certain intervenors in the case had filed. Thus, pursuant to Rule 41 of the Federal Rules of Appellate Procedure, the mandate in the case was scheduled to issue on December 22, 1980. On December 19, 1980, EPA, the Environmental Defense Fund (EDF), and certain intervenors filed with the court a Joint Petition for Stay of Issuance of the Mandate, requesting that the mandate be withheld until January 21, 1981. On January 7, 1981, the court stayed its mandate until January 21, 1981.

On January 21, 1981, EPA on behalf of itself, EDF, and certain intervenors, filed with the Clerk of the United States Court of Appeals, District of Columbia Circuit, a Joint Motion for Further Stay of Issuance of Mandate and a proposed order granting further relief. On February 12, 1981, the Court of Appeals granted the stay and order for further relief.

Because of the uncertainties concerning the impact of the actions of the Court of Appeals on the FDA proposal, numerous comments have been received asking whether FDA will issue a reproposal, withdraw the proposal, ask for further comment, or issue a final regulation based on comments previously received. After considering these comments, FDA has decided to hold in abeyance the May 9, 1980, proposed rule. FDA will subsequently determine which steps to take concerning the proposal, i.e., whether to issue a reproposal, withdraw the proposal, or issue a final regulation

based on comments received in response to the May 9, 1980, proposed rule. This determination will be the subject of a future notice. If the decision is made to proceed to a final regulation, FDA will reopen the comment period by means of a notice published in the Federal Register, and interested persons would be given further opportunity to comment.

In the meantime, FDA encourages the submission of additional comments at any time by anyone who has information that would assist FDA in making its decision. Four copies of any comments are to be submitted, except that individuals may submit one copy to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 27, 1981.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7095 Filed 3-3-81; 10:30 am]
BILLING CODE 4110-03-M

21 CFR Part 872

[Docket Nos. 78N-2830 to 78N-3023]

Classification of Dental Devices; Proposed Establishment of Regulations; Extension of Comment Period

AGENCY: Food and Drug Administration.
ACTION: Proposed Rules; Extension of Comment Period.

SUMMARY: The Food and Drug Administration (FDA) extends the time for submission of comments on the proposed rules for the classification of all dental devices. FDA is taking this action in response to requests for an extension of the comment period.

DATE: The deadline for written comments is extended until April 1, 1981.

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

FOR FURTHER INFORMATION CONTACT: Gregory Singleton, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7536.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 30, 1980 (45FR 85962), FDA published for public comment proposed rules to classify under section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) all dental devices. FDA proposed to establish a new Part 872 in Title 21 of the Code of Federal Regulations, which part would consist of general provisions together with individual sections identifying each dental device with a brief narrative description and stating the classification of that device. The proposed sections consist of 185 individual proposed regulations to

classify 49 dental devices into class I (general controls), 122 dental devices into class II (performance standards), 13 dental devices into class III (premarket approval), and one dental device into either class I or class II, depending upon the construction of the device.

The proposed rules provided for a 60-day comment period to close March 2, 1981. FDA received several requests for an extension of the comment period, in part because of the large number of individual dental device proposed rules.

FDA agrees that, because of the large number of individual proposed rules, it is appropriate in this case to provide

additional time for the preparation and submission of meaningful and carefully proposed comments. The agency, therefore, finds in accordance with section 520(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(d)(2)) that good cause exists to grant, and is granting, a 30-day extension of the comment period to April 1, 1981.

Dated: March 2, 1981.

William F. Randolph,
*Acting Associate Commissioner for
Regulatory Affairs.*

[FR Doc. 81-7082 Filed 3-3-81; 10:53 am]

BILLING CODE 4110-03-M

Notices

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

Rural Electrification Administration

Tri-State Generation and Transmission Association, Inc., Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) which concludes that there is no need for REA to prepare an environmental impact statement in connection with REA providing financial assistance to Tri-State Generation and Transmission Association, Inc. (Tri-State), of Denver, Colorado, for the construction of 46.4 km (29 miles) of 115 kV transmission line and associated substation facilities.

The 115 kV transmission line will be built between the Riverton substation and the Pilot Butte substation in Fremont County, Wyoming. Both substations will require modifications to accommodate the additional 115 kV apparatus. Tri-State has prepared a Borrower's Environmental Report (BER) concerning the proposed project. An Environmental Assessment (EA) was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands, and flood plains, and other potential impacts of the project are adequately considered in Tri-State's BER and REA's EA.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financial assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA EA, and a review of Tri-State's BER, a FONSI was reached in accordance with Section IV.B and IV.D.1 of REA Bulletin 20-21:320-21, Part I.

Various alternatives to the proposed transmission line and substation modifications were reviewed by Tri-State and REA. The alternatives included no action, energy conservation, alternative routes, a generating facility, and underground line. It was concluded that the proposed project was the most viable alternative for Tri-State to improve its system reliability and system support for the Pilot Butte area.

Copies of REA's FONSI, REA's EA, and Tri-State's BER may be reviewed in the office of Mr. Frank W. Bennett, Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone: (202) 447-6183, and at the office of the

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cooperative, Tri-State Generation and Transmission Association, Inc., 12076 Grant Street, P.O. Box 33695, Denver, Colorado 80233, telephone: (303) 452-6111. A copy of REA's FONSI and EA is available upon request to the Director, Power Supply Division at the address given above.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 26th day of February 1981.

Joe S. Zoller,
Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-6972 Filed 3-4-81; 8:45 am]
BILLING CODE 3410-15-M

Forest Service

Pacific Southwest Region; Notice of Revised Schedules for Forest Land and Resource Management Plans

Unit	Affected area	Previously announced schedule		Newly revised schedule	
		DEIS	FEIS	DEIS	FEIS
Angeles N.F.	Los Angeles and San Bernardino Counties in California.	9/82	6/83	12/82	7/83
Cleveland N.F.	Orange, Riverside, and San Diego Counties in California.	9/82	6/83	12/82	7/83
Eldorado N.F.	Alpine, Amador, Placer, and El Dorado Counties in California.	7/82	4/83	8/82	4/83
Inyo N.F.	Fresno, Inyo, Madera, Mono, and Tulare Counties in California and Esmeralda and Mineral Counties in Nevada.	1/83	7/83	12/82	7/83
Klamath N.F.	Siskiyou County in California and Jackson County in Oregon.	4/81	10/81	6/81	12/81
Lassen N.F.	Butte, Lassen, Modoc, Plumas, Shasta, Siskiyou, and Tehama Counties in California.	12/82	6/83	5/83	12/83
Los Padres N.F.	Monterey, San Luis Obispo, Santa Barbara, Kern, Ventura, and Los Angeles Counties in California.	9/82	6/83	12/82	7/83
Mendocino N.F.	Glenn, Lake, Colusa, Tehama, Mendocino, and Trinity Counties in California.	9/82	5/83	5/83	12/83
Modoc N.F.	Modoc, Siskiyou, and Lassen Counties in California.	12/82	6/83	5/83	12/83
Plumas N.F.	Butte, Lassen, Plumas, Sierra, and Yuba Counties in California.	12/82	6/83	5/83	12/83
San Bernardino N.F.	San Bernardino and Riverside Counties in California.	11/82	6/83	12/82	7/83
Sequoia N.F.	Fresno, Tulare, and Kern Counties in California.	1/83	7/83	12/82	7/83
Shasta-Trinity N.F.	Shasta, Siskiyou, Tehama, and Trinity Counties in California.	3/81	10/81	8/81	2/82
Sierra N.F.	Fresno, Madera, and Mariposa Counties in California.	2/80	11/80	6/81	12/81
Six Rivers N.F.	Del Norte, Humboldt, Siskiyou, and Trinity Counties in California.	2/81	10/81	6/81	12/81
Stanislaus N.F.	Alpine, Calaveras, Mariposa, and Tuolumne Counties in California.	7/82	4/83	8/82	4/83
Tahoe N.F.	Plumas, Placer, Nevada, Sierra, and Yuba Counties in California.	7/82	4/83	8/82	4/83

Dated: February 24, 1981.

John W. Chaffin,
Acting Regional Forester.

[FR Doc. 81-7150 Filed 3-5-81; 8:45 am]
BILLING CODE 3410-11-M

Dairyland Power Cooperative; Cancellation of Public Scoping Meetings

Notice is hereby given that the Rural Electrification Administration (REA) is cancelling the Public Scoping Meetings which were scheduled to be held on March 11, 1981, at 7:30 p.m., CST in Alma, Wisconsin, and on March 12, 1981, at 7:00 p.m., CST in Eau Claire, Wisconsin; in connection with a possible loan guarantee commitment to Dairyland Power Cooperative (Dairyland) P.O. Box 817, La Crosse, Wisconsin 54601, phone: (608) 788-4000, for the construction of certain generation and related transmission facilities.

On Friday, February 6, 1981, a notice in the Federal Register, Vol. 46, No. 25, announcing that REA, if lead agency, intended to prepare an Environmental Impact Statement (EIS) and conduct public scoping meetings in order to fulfill its requirements under the National Environmental Policy Act (NEPA) of 1969 in connection with the above mentioned project. Dairyland has since postponed construction of this project for an indefinite period of time; therefore, the environmental review process described in REA Bulletin 20-21:320-21, and required under NEPA, is also being postponed indefinitely.

Any questions regarding this matter may be sent to Frank W. Bennett, Director, Power Supply Division, Room 5168, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, phone: (202) 447-6183, or to Dairyland at the address given above.

This Federal Assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated in Washington, D.C. this 4th day of March, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-7372 Filed 3-5-81; 9:20 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.); Week Ended February 27, 1981.

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date Filed, Docket No., and Description

2-24-81—39347—Air Florida, Inc., 3900 N.W. 79th Avenue, Miami, Florida 33166. Application of Air Florida, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its certificate of public convenience and necessity for Route 197F authorizing it to engage in air transportation with respect to persons, property and mail as follows: Between the coterminal points Chicago, Illinois, New York, New York (through any suitable airport including Westchester County Airport) and the terminal point Bermuda. In connection herewith, Air Florida specifically seeks authority to carry local traffic between U.S. coterminal points. Conforming Applications, motions to modify scope, and Answers may be filed by March 24, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-7240 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33362, 39083, 39084]

Former Large Irregular Air Service Investigation; Assignment of Proceeding

This proceeding, insofar as it involves the applications of Michigan Peninsula Airways, Ltd. d/b/a MPA International Airways, Dockets 39083 and 39084, has

been assigned to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., February 27, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 81-7234 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-2-134; Docket 37294]

Mail Rates; Priority and Nonpriority Domestic Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of February, 1981.

Order Fixing Final Service Mail Rates

By Order 81-1-142, served February 2, 1981, we directed all interested persons to show cause why the Board should not establish the domestic service mail rates proposed therein as final rates of compensation for the period January 1 through March 31, 1981.

Eastern Air Lines, Inc. filed on February 12, 1981, notice of objection and answer to Order 81-1-142. The carrier requested that the Board revise the proposed rates to reflect the higher fuel prices incurred by the carriers as opposed to the projected fuel cost used by the Board. Eastern states that the industry's actual cost in December 1980 was 90.61 cents and is already higher than the 88.91 cents we projected for February 1981. On February 23, 1981, American Airlines, Inc. filed an answer in support of Eastern's objection. A reply to Eastern's answer was filed by Pan American World Airways, Inc. on February 25, 1981, supporting Eastern's request.

The rate of change in fuel prices fluctuates from month to month making it difficult to project fuel costs exactly. As shown in the following table, our fuel price projections have resulted in rates which have been both above and below actual costs. While the technique used by the Board can result in rates that slightly exceed or fall short of actual costs in the short-term, over the long-term the rates do reflect the carriers costs of transporting mail.

	Projected fuel price (cents)	Actual fuel price (cents)	Projected vs. actual (cents)
Order 80-3-160 at 2/15/80.....	87.05	81.47	¹ 5.58
Order 80-3-161 at 5/15/80.....	86.74	86.93	² 0.19
Order 80-6-173 at 8/15/80.....	94.61	88.17	¹ 6.44
Order 80-9-114 at 11/15/80.....	90.59	88.88	¹ 1.71

¹ Over.
² Under.

The methodology used for projecting fuel costs in Order 81-1-142 is consistent with that used in the past. We conclude that nothing has been submitted to change our basic conclusions reached in that order or to show that our methodology does not provide a reasonable measure of fuel cost escalation in the long-term. The Board, therefore, has decided not to modify its findings and conclusions in Order 81-1-142 and finds that Eastern's answer does not establish a factual basis for modification of the proposed rates.

Therefore, in accordance with the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302,

1. We make final the tentative findings and conclusions set forth in Order 81-1-142;

2. The fair and reasonable rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transportation by aircraft of that mail described in Order 79-7-16, ordering paragraph 3, subparagraphs (c), (d) and (e), between the points listed in subparagraph (c), *supra*, the facilities used and useful therefor, and the services connected therewith, for the period January 1 through March 31, 1981, or until further Board order, are those set forth in the attached Appendix;¹

3. We amend Order 79-7-16, ordering paragraph 3(g), by adding the following thereto:

	Standard container (Cents)	Daylight container (Cents)
Jan. 1, 1981, through Mar. 31, 1981.....	3.728	3.697

4. The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in domestic service for the period from

¹ Appendix filed as part of the original document.

April 1, 1981, until further Board order are the final rates established for the period January 1 through March 31, 1981;

5. The terms and conditions applicable to the transportation of each class of mail at the rates established here are those set forth in Order 79-7-16; and

6. A copy of this order shall be served upon all parties to this proceeding.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.²

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-7238 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

Command Airways, Inc.; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—order 81-3-10, order to show cause.

SUMMARY: The Board is proposing to find that Command Airways, Inc. is fit, willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall file their responses on all persons listed below no later than April 3, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Mr. William Boyd, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: In addition to the office identified above, responses should be served upon all persons listed in ordering paragraph 6 of Order 81-3-10.

The complete text of Order 81-3-10 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue,

NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-3-10 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 2, 1981

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-7237 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-2-105; Docket 39166]

Eastern Air Lines, Inc.; Order Granting Exemption

Issued under delegated authority: February 24, 1981.

In the matter of application Eastern Air Lines, Inc. for an exemption from section 416(b) of the Federal Aviation Act of 1958.

By application filed February 20, 1981, Eastern Air Lines requests that the exemptions granted by the Board in Orders 81-1-114, January 22, 1981, and 81-1-129, January 26, 1981, be amended to the extent necessary to permit it to provide free unlimited transportation over its domestic routes to the former hostages and their family members (spouse, parents and children) until March 10, 1981. The current exemptions are marked to expire with February 25, 1981.

We find that this request is consistent with the public interest, and therefore we will approve the exemption.¹ We will also extend this exemption to all other U.S. air carriers.

Accordingly, acting under authority delegated by the Board in the Board's Regulations, 14 CFR 385.16,

1. We exempt all U.S. air carriers from the provisions of Section 403 of the Federal Regulations, insofar as the enforcement of Section 403 and Parts 221 and 223 would prevent them from providing the free transportation as described herein.

2. We will serve a copy of this order on Eastern Air Lines, Inc. and on all other U.S. air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this service.

This order shall be effective immediately and the filing of a petition for review shall not preclude its effectiveness.

¹ Eastern was orally notified of our approval on February 23, 1981.

² All members concurred.

This order will be published in the Federal Register.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-7241 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39327]

Jet America Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 17, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. before the undersigned judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and two copies to the judge of (1) proposed statements of issues, (2) proposed stipulations, (3) proposed requests for information and evidence, (4) proposed procedural dates, and (5) proposals for expediting this proceeding.

The Bureau of Domestic Aviation shall deliver its material on or before March 6, 1981, and any other party shall deliver its material on or before March 13, 1981. The submissions of other parties shall be limited to points on which they differ with BDA, and shall follow the numbering and lettering used by BDA to facilitate cross referencing. Dates specified herein are dates of delivery.

Dated at Washington, D.C., February 25, 1981.

John M. Vittone,
Administrative Law Judge.

[FR Doc. 81-7235 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

Provincetown-Boston Airline, Inc.; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-3-11, Order to Show Cause.

SUMMARY: The Board is proposing to find that Provincetown-Boston Airline, Inc. d.b.a. Provincetown-Boston Airline and Naples Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall file their responses on all persons listed below no later than April 13, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa A. Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: In addition to the office identified above, responses should be served upon all persons listed in ordering paragraph 6 of Order 81-3-11.

The complete text of Order 81-3-11 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-3-11 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 2, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-7239 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

Tennessee Airways, Inc.; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-3-12, Order to Show Cause.

SUMMARY: The Board is proposing to find that Tennessee Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall file their responses on all persons listed below no later than April 13, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa A. Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: In addition to the office identified above, responses should be served upon all persons listed in ordering paragraph 5 of Order 81-3-12.

The complete text of Order 81-3-12 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-3-12 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 2, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-7238 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Michigan Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 10:00 am and will end at 4:00 pm, on March 12, 1981, at the Detroit Federal Building, Room 1194, 477 Michigan Avenue, Detroit, Michigan 48226. The purpose of this meeting is to discuss equality in loans and affirmative action programs.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Jo Ann W. Terry, 18922 Fairfield, Detroit, Michigan 48221, (303) 496-2628; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (8) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 27, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7168 Filed 3-5-81; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a press conference of the New Jersey Advisory Committee to the Commission will convene at 10:00a and will end at 12 Noon, on March 25, 1981, at the Trenton Motor Lodge, 240 West State Street, Trenton, New Jersey 08608. The purpose of this conference is the affirmative action project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clyde C. Allen, 620 Sheridan Avenue, Plainfield, New Jersey 07060, (201) 572-7577; or the Eastern Regional Office, 26 Federal Plaza, Room 1639, New York, New York 10007, (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 27, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7168 Filed 3-5-81; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island Advisory Committee to the Commission will convene at 7:30 p and will end at 9:00 p, on March 26, 1981, at 12 Chapin Road, Barrington, Rhode Island 02806. The purpose of this meeting is to plan programs and review the report on the Status of Civil Rights in Rhode Island.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Miriam E. Satterfield, 54 Arbor Drive, Providence, Rhode Island 02908, (401) 277-6920; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 3, 1981.

John I. Binkley

Advisory Committee Management Officer.

[FR Doc. 81-7167 Filed 3-5-81; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 12 Noon and will end at 5:00 p, on April 3-4, 1981, at the Kendron Inn, South Woodstock, Vermont. The purpose of this meeting is to determine program priorities, plan future projects and review the study on Franco-Americans.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Philip H. Hoff, 192 College Street, Hoff, Wilson & PO, Burlington, Vermont 05401, (802) 656-4300; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 3, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7169 Filed 3-5-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Population Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee on Population Statistics will convene on April 10, 1981, at 9:40 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The Committee is composed of five members appointed by the Secretary of Commerce, and ten members designated by the President of the Population Association of America from the membership of that Association.

The agenda for the meeting, which is scheduled to adjourn at 4:10 p.m., is: (1)

introductory remarks by the Acting Director of the Bureau of the Census and his staff, including staff changes, legal issues, Census Bureau budget, status of the 1980 census, and Social Indicators III; (2) 1980 census evaluation research; (3) 1980 census publication schedule; (4) 1980 public use sample (microdata); (5) issues in preparing 1970-1980 population estimates; (6) Survey of Income and Program Participation (SIPP) content for 1982 surveys; (7) SIPP—definition of household in successive longitudinal surveys; (8) industry and occupation classification; and (9) Committee recommendations, agenda for the next meeting, and election of the chairperson-elect.

The meeting will be open to the public, and a brief period will be set aside for public comments and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Dr. Paul C. Glick, Room 2019, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone (301) 763-7030.

Dated: March 3, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-7141 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Television Receiving Sets, Monochrome and Color, From Japan; Change of Date for Antidumping Hearing

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of change of date for Antidumping Hearing.

SUMMARY: This notice is to advise the public that the Department of Commerce is changing the scheduled date for a hearing on the preliminary results of the administrative review of the antidumping finding on television receiving sets from Japan from March 3, 1981 to April 2, 1981.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2657).

SUPPLEMENTARY INFORMATION:**Procedural Background**

On February 13, 1981, the Department of Commerce published in the Federal Register a "Notice of Preliminary Results of Administrative Review of Antidumping Finding" concerning television receiving sets, monochrome and color, from Japan. The notice announced that a hearing would be held, if requested, at the Department of Commerce, Room 6802, 14th & Constitution Avenue, N.W., Washington, D.C. 20230, beginning at 10:00 a.m., on March 3, 1981. A written request for a hearing was received from the petitioner, the Imports Committee, Tube Division, Electronic Industries Association, and from one of the foreign manufacturers, General Corporation. The Imports Committee also requested that the date of the hearing be postponed in order to permit the petitioner to prepare properly for the hearing. Zenith Radio Corporation, another petitioner, also requested a delay in the date of the hearing.

Administrative reviews of antidumping findings or orders under section 751 of the Tariff Act of 1930 (19 U.S.C. 1675) are intended to be completed within one year of the anniversary date of the finding or order. The Department considers the requirement of the Tariff Act satisfied by publication of the final results of the review by the last day of the anniversary month.

In the proceeding involving television receiving sets from Japan, the anniversary month is March. Consequently, by our guideline, publication of the final results should occur no later than March 31, 1981.

Usually, the Department will not consider delaying a scheduled hearing late in the review period. However, we consider a delay appropriate in this case in order that counsel for the petitioners may have assessed, prior to the hearing, to certain business data submitted by the respondent Japanese manufacturers. The Department also considered the effect of the existing injunction by the U.S. Court of Appeals for the District of Columbia Circuit barring the Department from liquidating and reliquidating any entries of televisions from Japan. Thus, a delay of the final results will have no immediate effect.

Accordingly, we are granting the requests for a change in the date of the hearing. The hearing is now scheduled for 10:00 a.m. on April 2, 1981. The hearing will be held in Room 6802, Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

Because of the change in date of the hearing we are extending the final date for requests to participate in the hearing to one week after publication of this notice in the Federal Register.

Pre-hearing briefs addressing the issues to be discussed at the hearing should be submitted to the Department and circulated to all interested parties no later than March 26, 1981. A list of known interested parties may be obtained by contacting Mr. Chapman. Post-hearing briefs and any written comments should be submitted and circulated not later than April 9, 1981. Submissions to the Department should be made at Room 1126, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230, in at least 10 copies.

John D. Greenwald,
Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-7165 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket No. S-685]

Ogden Marine, Inc.; Application for Operating-Differential Subsidy

Notice is hereby given that Ogden Marine, Inc. (Ogden Marine), a Delaware corporation, has filed an application dated September 10, 1980, as amended December 20, 1980, with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended, for a long-term (20 year) Operating-Differential Subsidy Agreement to aid in the operation of two dry bulk cargo vessels, with an option for one of two additional vessels.

Ogden Marine proposes to operate the vessels in the worldwide bulk markets. As tramp vessels, voyages will be unscheduled but will include port calls in the United States, Europe, Far East (Japan and China), Australia, South America and Africa. Ogden has also requested approval for the subsidized carriage of dry bulk cargoes subject to the cargo preference statutes of the United States. Until long-term charters can be obtained, the ships will operate in the spot market.

Each vessel will be capable of carrying approximately 40,000 long tons at 36'0" draft and approximately 46,600 long tons at 40'0" draft. Each vessel will be able to carry approximately 2,135,715 cubic feet of grain at 100% utilization.

If at any time prior to the delivery of the vessels the Maritime Administration proceeds with some form of Per Diem Subsidy (PDS) program (even if on a

limited and trial basis), Ogden requests the option to convert to PDS on terms not less favorable than those extended to any other applicant. If this occurs, Ogden will, if appropriate, refund any construction-differential subsidy payments made in connection with the vessels.

A PDS program is being evaluated by the Maritime Administration. Under the PDS program, vessels could be built without Construction-Differential Subsidy. A capital component, which would include a principal element as well as an interest element to compensate for an additional borrowing costs incurred, would be calculated and paid via Operating-Differential Subsidy (ODS) to the operator for each day the vessel is operated in U.S. foreign commerce. The capital component paid via ODS would be in addition to the other components of the ODS. The vessel would be free to enter and exit U.S. domestic trade at will; however, no PDS would be paid for domestic operations.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets NW, Washington, D.C. 20230.

Any person, firm or corporation having an interest in such application, and who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board, should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Subsidy Board, by the close of business on March 27, 1981. The Maritime Subsidy Board will consider such views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance, Program No. 11.504, Operating-Differential Subsidies (90DS))

Dated: February 20, 1981.

By Order of the Maritime Subsidy Board.

Robert J. Patton, Jr.,
Secretary.

[FR Doc. 81-7091 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-15-M

National Bureau of Standards**Federal Information Processing Standards 60-1, 61, 62, 63; Technical Verification Guidance**

Under the provisions of Public Law 89-306 (79 Stat. 1127; 40 USC 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to

establish uniform automatic data processing standards. On February 16, 1979, notice was given in the **Federal Register** (44 FR 10098-10101) announcing that the Secretary had approved three input/output (I/O) Federal Information Processing Standards (FIPS): (1) I/O Channel Interface, (2) Channel Level Power Control Interface, and (3) Operational Specifications for Magnetic Tape Subsystems, designated Federal Information Processing Standards Publication (FIPS PUB) 60 (which has been redesignated 60-1) FIPS PUB 61, and FIPS PUB 62, respectively. On August 27, 1979, notice was given in the **Federal Register** (44 FR 50078-50079) announcing that the Secretary had approved a fourth I/O channel level interface standard, Operational Specifications for Rotating Mass Storage Subsystems, designated FIPS PUB 63.

Those standards were the subject of corrections and revisions announced in the **Federal Register** on August 27, 1979 (44 FR 50079-50080), August 31, 1979 (44 FR 51294) and December 3, 1979 (44 FR 69371).

Each of those standards includes provision for verification of conformance to be made by demonstration or other means acceptable to the Government prior to acceptance of equipment having an interface required to conform. Accordingly, on December 11, 1979, and February 27, 1980, the National Bureau of Standards (NBS) announced in the **Federal Register** (44 FR 71444-71445 and 45 FR 12862) the establishment of a verification service for those standards which is expected to result in equipment being placed on a list for use in Federal automatic data processing procurement. NBS maintains this list and distributes it to all Federal agencies and interested parties upon request.

Following the December 11, 1979, and February 27, 1980, notices, NBS proposed in a notice published on June 25, 1980 (45 FR 42783-42784), that the applicability section of each of the standards referenced above be revised so as to (1) identify explicitly NBS as the source for specifying the verification and procedures and techniques to be employed with those standards, (2) conduct or arrange to have conducted verification following those procedures and techniques, and (3) issue related technical guidance concerning technical interface implementation approaches that will meet the verification requirement. Accordingly, it was proposed that the last paragraph of the applicability section of the above cited standards have appended to it the following language:

"The Director of the National Bureau of Standards shall, through publication of notices in the **Federal Register**, specify the verification procedures and techniques to be employed and shall conduct or arrange to have conducted this required verification. The Director shall provide, upon request or when he otherwise determines it to be necessary and appropriate, guidance as to whether specific technical interface implementation approaches will meet the verification requirement. Such guidance shall be published in summary form through notices in the **Federal Register**, specifying the manner in which persons may obtain copies of the full guidance provided."

This is the fourth notice providing specific guidance concerning technical interface implementation approaches. The first such notice was published in the **Federal Register** on August 13, 1980 (45 FR 53856-53857) and set out the paragraph numbering system that would be followed in listing and responding to questions in that first notice and subsequent notices. The second notice was published in the **Federal Register** on October 17, 1980 (45 FR 68989-68990). The third notice was published in the **Federal Register** on December 16, 1980 (45 FR 82687-82689).

FIPS 60-1, 61, 62, and 63 are intended to achieve full plug-to-plug interchangeability of peripheral components. This general intent is the basis for this guidance.

4.1 Does the equipment on the channel side of the interface have to implement all features of FIPS 60-1, 61, and 62 or 63?

No. If there is no feature corresponding to the FIPS feature in the non-conforming I/O subsystem(s) provided by the Central Processing Unit (CPU) vendor, there is no requirement that the FIPS feature be produced at the interface. For example, if the vendor's I/O subsystem does not provide for reading a tape backwards, the FIPS feature "read backward" need not be implemented.

In completing the verification checklist, the response for the "read backward" feature might be of the form: "Read backward not in command set. See list of tape commands on pages — through — (fill in correct page numbers)."

When the verification certificate is issued, and when the equipment is added to the verification list, the exception of the "read backward" command will be noted.

4.2 Is it permissible for the equipment on the channel side of the interface to implement functions beyond those specified by FIPS 60-1, 61, and 62 or 63?

Yes, provided that equipment is capable of functioning properly with a conforming subsystem.

4.3 FIPS 61-1, 62, and 63 apparently specify a number of features or options. Which of these should be used in disk and tape subsystems?

Both disk and tape subsystems shall implement the control unit interface to a block multiplexor channel with the High Speed Data Transfer feature.

Write
Read Forward
Read Backward
Sense
Request Track-In-Error
Rewind
Rewind Unload
Erase Gap
Write Tape Mark
Backspace File
Forward Space File
Data Security Erase
No/Operation

The following tape commands are optional and need not be implemented:

Set Diagnose
Loop Write-to-Read
Diagnostic Mode Set

The following tape commands are used when the control unit provides for the sharing of devices or control units by different channels. They need be implemented only if the tape subsystem implements a channel sharing feature:

Sense Reserve
Sense Release

Tape subsystems which implement the 7-track feature should implement the following command:

Mode Set 1

Nine track tape subsystems which may be switched between 800, 1600, and 6250 bpi modes should implement the following command:

Mode Set 2

When any unimplemented command issued to a tape subsystem it should be rejected with unit check status and a sense indication of command reject.

Disk subsystems shall implement all the commands listed on page 21 of FIPS 63. If there is no provision in the subsystem for device sharing or attachment of the control unit to more than one channel, then the Device Reserve and Device Release commands may be treated as No Operation. The commands listed on page 22 of FIPS 63 are optional and need not be implemented. Computer systems should not require the implementation of these optional commands in disk subsystems; however, they may make run time tests for the availability of the optional

commands and may make use of them when they are implemented.

4.4 Is it permissible for an I/O subsystem to implement functions beyond those specified by FIPS 60-1 through 63?

Yes. However, if features other than those specified by the FIPS are provided, their use may not be required for correct operation of any part of the system. Any such additional features are permissible only where they do not interfere with the performance of features that are required for verification.

4.5 Can the equipment on either the channel side or the subsystem side of the interface be verified independently?

Yes. In verifying equipment relative to each FIPS (60-1, 61, 62, or 63) by documentation review, it will be assumed that equipment connected to the other side of the interface fully implements and has been verified to be in conformance with the FIPS for which verification is being conducted.

To further clarify this point, the checklists are being changed. The requestor will be asked to check a box identifying whether the equipment being verified is on the channel side of the interface or on the storage subsystem side of the interface.

4.6 Does the equipment on the channel side of the interface have to work with all CPU's and operating systems?

No. If the equipment functions with specific hardware, such as specific CPU's, or specific software, such as operating system releases, the restrictions should be made clear on the checklist, in the cover letter, or on an attachment. The limitations will be noted upon verification.

4.7 May a vendor request verification citing previously verified specifications to describe his equipment?

Yes. In general, NBS will not review in detail documentation which has been previously examined and verified for another manufacturer. However, NBS will review the cited documentation for completeness and for its alignment to previously verified referenced documentation. Furthermore, written assurance from the vendor citing any exceptions or additional features not described in the referenced documentation is required. NBS may request additional documentation such as logic diagrams or schematics.

4.8 Are logic diagrams and/or schematics acceptable for verification?

No. The equipment interface documentation referred to in the Federal Register announcement of December 11, 1979 (44 FR 71444-71445) implies natural

language manuals, specifications, and/or descriptions. Detailed logic diagrams or schematics may be submitted as supplementary information but may not be the only description of any specific FIPS requirement.

Because it is possible to respond fully to the foregoing questions in such a brief fashion, NBS has decided not to avail itself of the opportunity to summarize the guidance provided for in the interim revision of FIPS PUBS 60-1 through 63. The guidance provided in response to questions 4.1 through 4.8 is, therefore, considered complete. Requests for additional FIPS 60-1 through 63 verification guidance should be addressed to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, Attention: FIPS 60-1 through 63 Verification Guidance.

Dated: March 2, 1981.

Ernest Ambler,
Director.

[FR Doc. 81-7090 Filed 3-5-81; 8:45 am]
BILLING CODE 3510-13-M

Federal Information Processing Standards; Interface Standards Exclusion List; Proposed Changes

In a notice published in the Federal Register on March 19, 1979 (44 FR 16466), the National Bureau of Standards (NBS) announced the establishment of exclusion criteria and procedures for developing and maintaining an exclusion list pertaining to Federal Information Processing Standards Publication 60 (which has since been redesignated as 60-1), Input/Output (I/O) Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; and Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems. The approval of the Secretary of Commerce (Secretary) of those three Federal Information Processing Standards was previously announced in the Federal Register on February 16, 1979 (44 FR 10098-10101). The exclusion list also pertains to Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems, approval of which by the Secretary of Commerce was announced in the Federal Register on August 27, 1979 (44 FR 50078).

The March 19, 1979, notice stated that once the exclusion list was established, interested parties could obtain a copy of that list and would be invited to submit to the Director, Institute for Computer

Sciences and Technology (ICST), comments or recommendations regarding additions to or removals from that list. The notice also advised that information regarding any proposed changes in the exclusion list would be published in the Federal Register.

Announcement of the establishment of the initial exclusion list and its availability from NBS upon request appeared in the Federal Register on June 29, 1979 (44 FR 37968). Numerous changes to that exclusion list have since been made and announced in the Federal Register.

Comments from interested parties specifically identifying candidate systems which should be added to or removed from the exclusion list have been and continue to be especially encouraged. The latest changes to the exclusion list were announced by NBS in the Federal Register on February 13, 1981, (46 FR 12223).

As a result of a review and analysis of comments and recommendations received recently, NBS is proposing the following additions to the exclusion list:

Manufacturer and Model

Burroughs, B5930
Computervision, 10100 System
Computervision, 10500 System
CPT Corp., 6000 WP System
CPT Corp., 8000 WP System
Digital Equipment Corp., VAX-11/750
Harris, H-80
Harris, H-100
Harris, H-300
Harris, H-500
Harris, H-800
Hewlett-Packard, 9825 B/T Desktop
Computer
Hewlett-Packard, 9915A Modular Computer
Honeywell, DPS 6 Series

Interested parties will be allowed until April 20, 1981, to submit written comments regarding the proposed changes. Such written comments should be submitted to the Director, ICST, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Following review of comments received in response to this notice, NBS will make a determination on the proposed changes and will announce that determination in a subsequent notice published in the Federal Register.

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the proposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written

request to the address noted above for submission of comments in response to this notice.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: March 2, 1981.

Ernest Ambler,
Director.

[FR Doc. 81-7089 Filed 3-5-81; 8:45 am]
BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit

On February 27, 1980, notice was published in the *Federal Register* (45 FR 12863) that an application has been filed with the National Marine Fisheries Service by Delphinarium Hassloch, 6733 Hassloch/Pfalz, Federal Republic of Germany to obtain two (2) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on March 2, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a public display permit for the above activity to Delphinarium Hassloch, 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.; and
Regional Director, National Marine
Fisheries Service, Southeast Region,
9450 Koger Boulevard, St. Petersburg,
Florida 33702.

Dated: March 2, 1981.

Robert K. Crowell,
Deputy Executive Director, National Marine
Fisheries Service.

[FR Doc. 81-7242 Filed 3-5-81; 8:45 am]
BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
 - a. Name: Theatre of the Sea, Inc. (P92B)
 - b. Address: P.O. Box 407, Islamorada, Florida 33036.
2. Type of Permit: Public Display.
3. Name and Number of Animals: Atlantic bottlenose dolphins (*Tursiops truncatus*).
4. Type of Take: Capture.
5. Location of Activity: Charlotte & Lee Counties, Florida.
6. Period of Activity: 3 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the *Federal Register* the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, by April 6, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service,
3300 Whitehaven Street, NW.,
Washington, D.C.;
Regional Director, National Marine
Fisheries Service, Southeast Region,
9450 Koger Boulevard, St. Petersburg,
Florida 33702.

Dated: March 2, 1981.

R. B. Brumsted,
Acting Director, Office of Marine Mammals
and Endangered Species, National Marine
Fisheries Service.

[FR Doc. 81-7243 Filed 3-5-81; 8:45 am]
BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Revision of Export Licenses for Certain Apparel Products Imported From Hong Kong

March 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing revisions in the two Hong Kong export license forms used for certain apparel products exported to the United States.

SUMMARY: Under the terms of paragraph 19 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 8, 1977, as amended, between the Governments of the United States and Hong Kong, the Government of Hong Kong has informed the Government of the United States that, effective on April 1, 1981, it will begin using revised export license forms for (1) apparel products exported to the United States which are chargeable to the ceilings of the bilateral agreement (Form TIC 353A), and (2) apparel products valued at less than U.S. \$250 which are not charged to the ceilings of the agreement (Form TIC 353). The visa endorsement stamps currently being used by the Hong Kong Government on the existing export license forms remain unchanged and will continue to be used on the new forms.

EFFECTIVE DATE: April 1, 1981 for merchandise exported on and after that date. The old license forms will also be accepted for merchandise exported from Hong Kong through April 28, 1981. The old license forms will not be accepted for merchandise exported from Hong Kong after April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On January 5, 1978, there was published in the *Federal Register* (43 FR 993) a letter dated December 30, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established an export visa requirement for cotton, wool and man-made fiber apparel, produced and manufactured in Hong Kong. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements advises the Commissioner of Customs of the change in the export license forms and directs that merchandise exported from Hong Kong

through April 28, 1981 which is properly visaed on either the old or new forms may be permitted entry into the United States for consumption, or withdrawal from warehouse for consumption.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 3, 1981.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 30, 1977 from the Chairman, Committee for the Implementation of Textile Agreements, which established an export visa requirement for certain cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States.

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, Wool and Man-Made Fiber Textile Agreement of August 8, 1977, as amended, between the Governments of the United States and Hong Kong; 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 hereby advised, effective on April 1, 1981, the Government of Hong Kong will begin using new export license forms for apparel products covered by the bilateral agreement (Form TIC 353A), and for apparel products valued at less than U.S. \$250 (Form TIC 353). The visa endorsement stamps currently in use by the Hong Kong Government are not being changed. You are directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of merchandise, accompanied by a valid visa on either the old or new export license forms and exported from Hong Kong through April 28, 1981. Visas accompanied by the old forms, exported after April 28, 1981, shall be denied entry. Facsimiles of the new forms are enclosed.¹

The actions taken with respect to the Government of Hong Kong and with respect to imports of cotton, wool and man-made fiber textile products from Hong Kong 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. 81-7153 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-25-M

Increasing the Level of Restraint for Certain Man-Made Fiber Apparel Products Imported From Haiti

March 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by 110,000 dozen the level of restraint established for man-made fiber underwear in Category 652, from 500,000 dozen to 610,000 dozen during the agreement year which began on May 1, 1980 and extends through April 30, 1981, pursuant to an amendment to the bilateral agreement with Haiti.

(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 August 17, 1979, between the Governments of the United States and Haiti, notes have been exchanged amending the agreement to increase the designated consultation level established for man-made fiber textile products in Category 652 by 110,000 dozen to 610,000 dozen for the agreement period that began on May 1, 1980 and extends through April 30, 1981.

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT:

Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On April 30, 1980, there was published in the *Federal Register* (45 FR 28792) a letter dated April 25, 1980, which established levels of restraint for certain cotton and man-made fiber textile products, including Category 652, produced or manufactured in Haiti, and exported to the United States during the agreement year which began on May 1, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category

652 in excess of the amended level of restraint of 610,000 dozen.

Paul T. O'Day

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 3, 1981.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on April 25, 1980 by the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Haiti and exported during the year which began on May 1, 1980.

Effective on March 3, 1981, paragraph 1 of the letter of April 25, 1980 is amended to increase the twelve-month level of restraint established for man-made fiber textile products in Category 652 to 610,000 dozen.¹

The actions taken with respect to the Government of Haiti and with respect to imports of man-made fiber textile products from Haiti 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 rulemaking 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. 81-7152 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: March 6, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely

¹The level of restraint has not been adjusted to account for any entries after December 31, 1980.

¹Filed as a part of the original document.

Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On November 21, 1980 and December 19, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 77104 and 45 FR 83650) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity and service are hereby added to Procurement List 1981:

U.S. Postal Service Item
Seat Cover, P.S. Item No. 054-B.

SIC 7349

Janitorial Service, U.S. Courthouse and Federal Building, Broad and Catherine Streets, Utica, New York.

C. W. Fletcher,
Executive Director.

[FR Doc. 81-7139 Filed 3-5-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed deletions from Procurement List.

SUMMARY: The Committee has received proposals to delete from Procurement List 1981 commodities and military resale commodities produced by workshops for the blind or other severely handicapped.

COMMENTS: Must be received on or before April 8, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following commodities and military resale commodities from Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 7210

Washcloths: 7210-00-060-6008, 7210-00-082-2065.

Class 7350

Cup, Plastic: 7350-01-145-6127.

Military Resale Item Nos. and Names

No. 913—Brush, Lint.
No. 932—Refill, Applicator, Wax.
No. 969—Cover, Ironing Board, Teflon-coated.

C. W. Fletcher,

Executive Director.

[FR Doc. 81-7139 Filed 3-5-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Amendments to System of Records

ACTION: Amendment to System of Records.

SUMMARY: The Department of the Army proposes to amend one system of records by employing an automated data processing capability. The system identity and the specific changes are set forth below followed by a republication of the system notice in its entirety as amended.

DATES: The proposed action shall become effective without further notice on April 6, 1981, unless comments are received which would result in a contrary determination.

ADDRESS: Written public comments are invited and may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, 1000 Independence Avenue, SW, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Christian, The Adjutant General's Office, HQDA (DAAG-AMR-R), Washington, D.C. 20310; telephone: 202/693-0973.

SUPPLEMENTARY INFORMATION: System notices for the Army as required by the Privacy Act have been published in the Federal Register at:

FR Doc. 79-37052 (44 FR 73729), December 17, 1979.
FR Doc. 81-85 (46 FR 1002), January 5, 1981.
FR Doc. 81-897 (46 FR 6460), January 21, 1981.
FR Doc. 81-3374 (46 FR 9692), January 29, 1981.

The Department of the Army submitted an altered system report on January 23, 1981 for this change under the provisions of 5 U.S.C. 552a(o) as implemented by Office of Management

and Budget Circular No. A-108, Transmittal Memoranda No. 1 and 3. M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 3, 1981.

AMENDMENT

A1416.16 DALO

System Name:

Hand Receipt Files (44 FR 74002), December 17, 1979.

Changes:

System Location:

Delete information after the first sentence and add: "Addresses for Department of the Army activities are available following the annual compilation of Army system notices published in the Federal Register."

Categories of Individuals Covered by the System:

Delete last sentence.

Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System.

Storage:

Delete entry and substitute: "Magnetic tape, disc, and paper records in file folders."

Retrievability:

Delete current entry and add: "Filed alphabetically by last name of individual, SSN, menu number, line number, and size."

Safeguards:

Add the following: "Computer magnetic tape and disc files used solely within data processing system and protected by the installation's security measures and safeguards."

Retention and Disposal:

Add the following: "Computerized listings are purged from the system upon turn-in of property."

Contesting Record Procedures:

Delete current entry and substitute therefore: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505)."

A1416.16DALO

SYSTEM NAME:

1416.16 Hand Receipt Files.

SYSTEM LOCATION:

Property book offices and supply rooms at most Army activities throughout the world. Addresses for Department of the Army activities are available following the annual compilation of Army system notices published in the *Federal Register*.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, citizen or noncitizen, military or civilian, who assumes temporary custody or responsibility for United States (US) Government or other property.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains receipts reflecting acceptance of responsibility for items of property listed thereon. Included are individual receipts and listings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

File is maintained as a record of property in use or in custody of individuals.

Utilized by accountable officers as an audit trail for property responsibility.

Used in investigations to determine responsibility for lost, damaged, or stolen property.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape, disc, and paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual, SSN, menu number, line number, and size.

SAFEGUARDS:

Records are maintained in locked cabinets or locked areas accessible only to limited authorized personnel. Computer magnetic tape and disc files used solely within data processing system and protected by the installation's security measures and safeguards.

RETENTION AND DISPOSAL:

File is maintained only while property is in use by or in the custody of an individual. File is destroyed on turn-in or other complete accounting for the property, or when superseded by a new receipt or listing. Computerized listings are purged from the system upon turn-in of property.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Department of the Army, The Pentagon, Washington, D.C. 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from activities issuing hand receipts. Written requests for information must contain the full name of the individual, social security number for a citizen, other identifying number for a noncitizen, current address and phone number. For personal visits, individuals may contact designated representatives of activities issuing hand receipts.

RECORD ACCESS PROCEDURES:

Individual may review his/her record by visiting designated representatives of or writing to the activity issuing hand receipts.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Hand receipt, either on printed form or on plain paper, signed by the individual accepting responsibility for US Government or other property.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-7250 Filed 3-5-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy**Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Force Enhancement Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on March 25 and 26, 1981, from 8:00 a.m. to 5:00 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of applications of communications in space to the Navy's tactical and strategic missions. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such

Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Commander Catherine Z. Becker, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Telephone number (703) 756-1205.

Dated: March 3, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-7129 Filed 3-5-81; 8:45 am]

BILLING CODE 3810-71-M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY**Council Meetings; Discussion of Thirteenth Report to the President**

March 3, 1981.

Pursuant to Section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold two meetings: Monday, March 23, 1981 from 10:30 a.m. to 5:00 p.m. and Tuesday, March 24, 1981 from 10:30 a.m. until Council business has been concluded.

The meetings will be held at the Council's offices at 1725 K Street, NW., Suite 405, Washington, D.C. and are open to the public.

The purpose of the meetings will be to discuss the contents of its Thirteenth Report to the President.

The National Advisory Council on Economic Opportunity is authorized by Section 605 of the Economic Opportunity Act of 1964, as amended, to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and the review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity, 1725 K Street, NW., Suite 405, Washington, D.C. 20006.

Walter B. Quetsch,
Executive Director.

[FR Doc. 81-7107 Filed 3-5-81; 8:45 am]

BILLING CODE 6820-41-M

DEPARTMENT OF ENERGY**Region VII; Appropriate Energy Technology Program; Availability of Funding****AGENCY:** Department of Energy.**ACTION:** Notice of availability of funding.

SUMMARY: Small Grants for Appropriate Technology Small-Scale Energy-Related Technologies are available through U.S. Department of Energy, Region VII, for projects in the states of Iowa, Kansas, Missouri, and Nebraska.

DATE: The closing date for receiving application is April 20, 1981.

Applications will be accepted if received or postmarked by that date.

FOR FURTHER INFORMATION CONTACT: Appropriate Energy Technology Program, U.S. Department of Energy, Region VII, 342 East 11th Street, Kansas City, Missouri 64106, (816) 374-3118.

SUPPLEMENTARY INFORMATION: Small Grants for Appropriate Technology Small-Scale Energy-Related Technologies are now available through the U.S. Department of Energy, Region VII, Kansas City, Missouri, for projects in the states of Iowa, Kansas, Missouri and Nebraska. Catalogue of Federal Domestic Assistance #81.051 applies. A-95, Part I is not applicable. Program rules and Regulations were published in the Federal Register Vol. 45, No. 28, Friday, February 8, 1980. There will be three types of projects funded: idea development limited to \$10,000, device development limited to \$50,000, and demonstration projects limited to \$50,000. No applicant can receive more than \$50,000 over a two-year period. Applications can be obtained by writing to the address above or calling (816) 374-3118 (24-hour 7 day recording service provided, not toll free). The closing date for receiving applications is April 20, 1981. Applications will be accepted if received or postmarked by that date.

David J. Ball,

Director, Procurement Operation,
Procurement and Assistance Management.

February 27, 1981.

[FR Doc. 81-7099 Filed 3-5-81; 8:45 am]

BILLING CODE 6510-01-M

Region I: Small-Scale Hydro Development Program; Availability of Funding**AGENCY:** Department of Energy.**ACTION:** Notice of availability of funding.

SUMMARY: This document announces the issuance of a Program Solicitation DE-AC-41-81R110831 by the Department of Energy, Region I. The Solicitation

invited grant applications from States located in Region I for funding of projects in support of the Small-Scale Hydroelectric Development Program, Catalogue of Federal Domestic Assistance No. 81.055

DATE: Grant application deadline: 4:00 p.m., March 2, 1981.¹ Department of Energy, Region I, 150 Causeway Street, Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: John DeTore, Office of Assessment & Integration, Louise S. Urgo, Office of Management & Support (617) 223-5207.

SUPPLEMENTARY INFORMATION:**I. Background**

The Department of Energy, Region I is making financial assistance available to the States located in the region to support Small-Scale Hydroelectric (SSH) Development. Grants are to be issued to fund certain eligible projects that will enhance the capability of the States to implement their SSH program.

II. Eligible Grantees

Eligible grantees are the States located in the Department of Energy, Region I. (Connecticut, Maine, Vermont, Massachusetts, New Hampshire, and Rhode Island.)

III. Eligible Activities

Grants issued pursuant to this notice are limited to the following projects:

1. Outreach activities to encourage dam owners/developers to examine the energy potential of their sites.
2. Technical assistance in obtaining state licenses and permits.
3. Assistance in improving/facilitating state licensing and permitting procedures.
4. Development of State incentives to promote small hydro development.
5. Examination/resolution of environmental issues.
6. Implementing of Section 210, PURPA.
7. Other State Hydro initiatives.

APPLICATION PROCEDURES

The program Solicitation and Grant Applications have been provided to each State in Region I. Application content and evaluation criteria are set forth in the program Solicitation. Applicants shall comply with the project notification and review requirements of Part I of OMB Circular A-95. It is anticipated that grant awards will be issued prior to April 1, 1981.

¹ This document received by the office of the Federal Register March 3, 1981.

Dated: February 27, 1981.

David J. Ball,

Director, Procurement Operations,
Procurement and Assistance Management.

[FR Doc. 81-7098 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration.**(ERA Case No. 50076-9142-01-02-77)****Anchorage Municipal Light & Power****AGENCY:** Economic Regulatory Administration, Energy.**ACTION:** Notice of request for classification.

SUMMARY: On October 17, 1979, Anchorage Municipal Light and Power (AML&P) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Sullivan Unit No. 1 (Sullivan 1) as an existing facility pursuant to 10 CFR 515.8 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule), issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). The Final Rule published on October 19, 1979 (44 FR 60690) became effective on November 30, 1979.

On November 14, 1979, ERA requested additional information from AML&P. The company submitted its response to ERA on February 12, 1980. ER A staff reviewed the data and concluded that the Sullivan facility consisted of two combustion turbine units rather than a single unit as shown in AML&P's original request. On May 19, 1980, ERA advised AML&P that two separate requests must be submitted before further analysis could be performed on their petition. AML&P submitted these requests on January 15, 1981, at which time they redesignated Sullivan Unit 1 as Sullivan Units 5 & 7.

FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Sullivan Units 5 and 7 are new or existing powerplants. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with 10 CFR 515.26, no public hearings will be held.

DATES: Written comments are due on or before March 27, 1981.

ADDRESSES: Ten copies of written comments will be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Jack C. Vandenberg, Office of Public Information Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055;

Louis T. Krezanosky, Chief, New Powerplants Branch, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3012B, Washington, D.C. 20461; Phone (202) 653-4208;

Henry K. Garson, Acting Assistant General Counsel for Coal Regulations, Department of Energy, 1000 Independence Ave., NW., Room 6B-178, Washington, D.C., 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION:

Anchorage Municipal Light and Power (AML&P) is a municipal agency organized under the laws of the State of Alaska. AML&P supplies electric service to the City of Anchorage and surrounding areas.

AML&P stated that it executed a contract in May, 1973, for the construction of a 44.3 MW natural gas-fired unit to be known as Sullivan Unit No. 5 (Sullivan 5) and a 96.6 MW natural gas-fired unit to be known as Sullivan Unit No. 7 (Sullivan 7) in Anchorage County, Alaska, and that commercial operation was scheduled for July 1979 and October 1980 respectively.

The facility was designed as a combined cycle plant of two natural gas-fired combustion turbines exhausting into two waste heat boilers, the steam therefrom driving a single steam turbo-generator. Circulating water from the steam condenser passes through heat exchangers to heat the municipal water supply to reduce freezing, and to reduce the energy consumption by water heaters in the service area.

The facility was to be constructed in two stages. The first stage, includes a combustion turbine which went into service in December 1974. Its waste heat boiler and the steam turbo-generator (at limited output) went into service in July 1979. As for the second stage, AML&P furnished a contract, dated October 1978, for a second combustion turbine and waste heat boiler. The second combustion turbine was erected and went into commercial operation in October 1979. The waste heat boiler became operational in October 1980.

On October 17, 1979, pursuant to ERA's Revised Interim Rule, 10 CFR 515.6, issued by ERA on March 15, 1979, AML&P requested that ERA classify Sullivan Unit No. 1 as an "existing" facility. On November 14, 1979, ERA requested additional information from AML&P. The company submitted its response to ERA on February 12, 1980. ERA staff reviewed the data and concluded that the Sullivan facility consisted of two combustion turbine units rather than a single unit as shown in AML&P's original request. On May 19, 1980, ERA advised AML&P that two separate requests must be submitted before an analysis could be performed on their petition. AML&P submitted these requests on January 15, 1981, at which time they redesignated Sullivan Unit 1 as Sullivan Units 5 & 7.

The Final Rule published on October 19, 1979 (44 FR 60690) became effective November 30, 1979. In accordance with 10 CFR 515.6 as now in effect, a powerplant will be classified as existing if the cancellation, rescheduling, or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse affect on the electric system reliability. AML&P supported its request for classification by providing evidence in support of its claim that it would incur a substantial financial penalty and an adverse affect on the electric system reliability for Sullivan Units No. 5 and 7 would occur if they were not permitted to proceed as natural gas burning facilities. A summary of the pertinent evidentiary requirements and AML&P's response to those requirements follows.

Substantial Financial Penalty—Pursuant to 10 CFR 515.6(a), ERA will classify a facility as existing upon demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to this requirement, AML&P provided the following information:

Unit No. 5

- total projected project cost as of 11/9/78, \$15,802,000
- total project expenditures, including obligation and cancellation charges as of 11/9/78, \$11,093,000
- total recoverable expenditures, \$2,210,000
- total nonrecoverable outlays, \$8,883,000
- nonrecoverable outlays as a percentage of total projected project cost as of 11/9/78, 56.2%

Unit No. 7

- total projected project cost as of 11/9/78, \$20,782,000
- total project expenditures, including obligation and cancellation charges as of 11/9/78, \$10,302,000
- total recoverable expenditures, \$1,460,000
- total nonrecoverable outlays, \$8,842,000
- nonrecoverable outlays as a percentage of total projected project cost as of 11/9/78, 42.6%

Adverse Effect on System

Reliability—Pursuant to 10 CFR 515.6(b), ERA will classify a unit as existing upon demonstration that the reserve margin in the electric region in which the powerplant will be located would be reduced to less than 20 percent during the 12-month period after the proposed powerplant is to begin operation, assuming that the proposed powerplant is not completed.

Demonstration of an adverse effect on the utility's ability to provide service during the 12-month period following scheduled operation and/or an adverse effect on reliability after the 12-month period may also be made.

In response to this requirement, AML&P provided the following information:

- description of AML&P's service area
- list of interconnections with other utilities
- projection of peakload on AML&P's system through 1985
- reserve margin for the South Central Alaska region
- reserve margin for the South Central Alaska Region (excluding Sullivan 5 and 7) during the 12-month period following the projected operational date is a negative 10 percent
- reserve margins for AML&P's system (excluding Sullivan 5 and 7) by itself range from a negative 38 percent to a negative 52.7 percent for the 1981 to 1985 period.

Electric Region 49 is the entire State of Alaska. The subregion in which AML&P operates (generally known as South Central Alaska) is isolated electrically from other subregions in the State. Consequently, there is no official data on regional generating capacity, forecast peakloads and expansion plans. In the absence of official data, the most recent applicable information is the "Anchorage-Fairbanks Transmission Intertie Economic Feasibility Study Report" prepared for the Alaska Power Authority. This report is the basis for the generating capacity and peakload values submitted by AML&P.

The public file containing AML&P's request for classification and supporting materials is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C., on February 27, 1981.

Robert L. Davies,
Assistant Administrator, Office of Fuels
Conversion, Economic Regulatory
Administration.

[FR Doc. 81-7101 Filed 3-9-81; 8:45 am]
BILLING CODE 6450-01-M

Columbia Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: February 24, 1981. Comments by: March 23, 1981.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. (phone) 816-374-5932

SUPPLEMENTARY INFORMATION: On February 24, 1981, the Office of Enforcement of the ERA executed a Consent Order with Columbia Oil Company of Hamilton, Ohio. Under 10 CFR 205.199(j)(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Columbia Oil Company (Columbia) with its home office located in Hamilton, Ohio, is a firm engaged in the marketing of motor gasoline to resellers and end-users, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Columbia the Office of Enforcement, ERA, and Columbia entered into a Consent Order.

The Consent Order encompasses Columbia's sales of covered products during the period April 1, 1979, through September 30, 1979.

II. Disposition of Refunded Overcharges

In the Consent Order, Columbia agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of twenty thousand dollars (\$20,000) within twelve (12) months after the effective date of the Consent Order. Refunds of \$6,467.85 will be in the form of cash or credit allowances to identifiable end-users who purchased motor gasoline from Columbia. Columbia, also agrees the remaining balance of \$13,532.15 will be made payable to the United States Department of Energy, where it will be deposited into an account established with the Treasury Department. This will be payable on the first anniversary of the effective date of the Consent Order.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816-374-5932.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Columbia Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 23, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 25th day of February 1980.

William D. Miller,
District Manager of Enforcement.

Dated: February 25, 1981.
Concurrence:

David H. Jackson,
Chief Enforcement Counsel.

[FR Doc. 81-7102 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-01-M

McCarty Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: February 24, 1981. Comments by: March 23, 1981.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. (phone) 816-374-5932.

SUPPLEMENTARY INFORMATION: On February 24, 1981, the Office of Enforcement of the ERA executed a Consent Order with McCarty Oil Company, Inc. of Wapakoneta, Ohio. Under 19 CFR 205.199(j)(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

McCarty Oil Company, Inc. (McCarty) with its home office located in Wapakoneta, Ohio, is a firm engaged in the marketing of motor gasoline to resellers and end-users, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of McCarty the Office of Enforcement, ERA, and McCarty entered into a Consent Order.

The Consent Order encompasses McCarty sales of covered products during the period April 1, 1979, through September 30, 1979.

II. Disposition of Refunded Overcharges

In this Consent Order, McCarty agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of fifty-three thousand dollars (\$53,000) within two (2) years after the effective date of the Consent Order. Refunds of \$2,405.89 will be in the form of cash or credit allowances to identifiable end-users who purchased motor gasoline from McCarty. McCarty,

also agrees the remaining balance of \$50,594.11 will be made payable to the United States Department of Energy, where it will be deposited into an account established with the Treasury Department. This will be payable within two years of the effective date of the Consent Order.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Stret, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816-374-5932.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on McCarty Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 23, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 25th day of February 1981.

William D. Miller,
District Manager of Enforcement.

Date: February 25, 1981.

Concurrence:

David H. Jackson,
Chief Enforcement Counsel.

[FR Doc. 81-7103 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-01-M

Carolina Power & Light Co., et al.; Issuance of Order Granting Temporary Public Interest Exemptions; Powerplant and Industrial Fuel Use

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its issuance of an Order granting temporary public interest exemptions, pursuant to the authorities granted it by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act) and the implementing regulations thereunder (10 CFR 501.68 and 10 CFR Part 508), from the natural gas use prohibitions of section 301(a)(2) and (3) of the Act to the following powerplants in order to displace middle distillate fuel oil:

Docket No.	Owner	Generating station	Powerplant identification
50441-2716-21-41	Carolina Power & Light Co.	W. H. Weatherspoon	GT 1.
50441-2716-22-41	do	do	GT 2.
50441-2716-23-41	do	do	GT 3.
50441-2716-24-41	do	do	GT 4.
50467-1130-21-41	Cedar Falls Utilities	Cedar Falls	GT 1.
62004-9076-21-41	City of Fayetteville	Fayetteville	CT 1.
62004-9076-22-41	do	do	CT 2.
62004-9076-23-41	do	do	CT 3.
62004-9076-24-41	do	do	CT 4.
54015-2393-54-41	Jersey Central Power & Light Co.	Gilbert	CC 4.
54015-2393-55-41	do	do	CC 5.
54015-2393-56-41	do	do	CC 6.
54015-2393-57-41	do	do	CC 7.
56516-6081-52-41	Massachusetts Municipal Wholesale Electric Co.	Stony Brook	CC 2.
52117-3344-21-41	Northwestern Public Service Co.	Huron Gas Turbine	GT 1.
52304-3156-26-41	Philadelphia Electric Co.	Barbadoes	CT 6.
52304-3156-27-41	do	do	CT 7.
53370-2067-25-41	Public Service Commission of Yazoo City	Yazoo City Steam Plant	CT 5.
52564-0147-03-41	Salt River project	Kyrene	No. 3.
52564-0147-04-41	do	do	No. 4.
52855-1336-25-41	Sunflower Electric Co-op	Garden City	CT 5.
52987-3393-37-41	Tennessee Valley Authority	Thomas H. Allen	GT 17.
52987-3393-38-41	do	do	GT 18.
52987-3393-39-41	do	do	GT 19.
52987-3393-40-41	do	do	GT 20.
53256-3527-51-41	West Texas Utilities	San Angelo	CC 1.

The Order is set forth following this Notice and has been sent by certified mail to the petitioners.

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). A Notice of the petitions and proposed order granting these temporary exemptions were published in the October 16, 1980, Federal Register (45 FR 68704) presenting an opportunity for public comments and for interested persons to request a hearing relating to the petitions and the proposed order. All comments that referred to specific petitions were supportive of them.

The Process Gas Consumers Group, the American Iron and Steel Institute and the Georgia Industrial Group (hereafter referred to collectively as the Group) requested a hearing. The Group has previously requested a hearing regarding previously filed similar petitions for exemption under the Special Rule. The Group's first request for a hearing was on the petitions for exemption and proposed order noticed at 45 FR 18423, published on March 21, 1980. The hearing which was convened pursuant to the Group's request was dismissed upon the ground that the Group had failed to demonstrate the requisite interest as interested persons (see, section 701 of FUA and 10 CFR 501.33 and 501.34). ERA denied the Group's request for a hearing on petitions for exemption and proposed order noticed at 45 FR 48684, published on July 21, 1980. The Group's latest

request for a hearing regarding petitions for exemption and proposed order noticed at 45 FR 68705, published on October 16, 1980, contained nothing additional or new as compared with the Group's two previous requests. Consequently, ERA decided to deny the Group's request for a public hearing on these petitions.

Laclede Gas Company (Laclede) also requested a hearing on the petitions and proposed order noticed at 45 FR 68705, published on October 16, 1980. ERA concluded that the issues raised by Laclede were substantially the same as those presented by the Group, and that Laclede's request appeared to seek a generic review of the Special Rule. ERA determined that Laclede's request for a hearing on these petitions did not raise material issues of disputed fact respecting the qualification of a petitioner under the eligibility criteria cited in the Special Rule, or any factual issues which could support limiting application of the Special Rule under 10 CFR 508.4. Consequently, ERA denied Laclede Gas Company's request for a public hearing on these petitions.

Based on the information provided by the petitioners, the powerplants listed above are either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of section 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil.

Statement of Reasons

Because world oil supplies continue to be unstable, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum.

This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioners have demonstrated that these powerplants, for which they are requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in section 301(a)(3) of FUA. The petitioners have also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a)(2) and (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioners' utility systems, including the powerplants for which these temporary exemptions are issued.

By establishing these facts, the petitioners have met the eligibility criteria set out in 10 CFR 508.2. Since the increased use of natural gas is in keeping with the purposed of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B-110, 2000 M Street, NW., Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration,

Department of Energy, Room 3112D, 2000M Street, NW., Washington, D.C. 20461, (202) 653-4268.

Decision and Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the natural gas

use prohibitions of section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). This Decision and Order is issued pursuant to section 311(e) of FUA, 10 CFR 501.68 and 10 CFR Part 508 to the petitioners who own or operate the powerplants listed in the table below.

Docket No.	Owner	Generating station	Powerplant identification	Duration date
50441-2716-21-41	Carolina Power & Light Company	W. H. Weatherspoon	GT 1	Mar. 11, 1985.
50441-2716-22-41	.....do.....	.....do.....	GT 2	Do.
50441-2716-23-41	.....do.....	.....do.....	GT 3	Do.
50441-2716-24-41	.....do.....	.....do.....	GT 4	Do.
50467-1130-21-41	Cedar Falls Utilities	Cedar Falls	GT 1	June 30, 1985.
62004-9076-21-41	City of Fayetteville	Fayetteville	CT 1	June 30, 1985.
62004-9076-22-41	.....do.....	.....do.....	CT 2	Do.
62004-9076-23-41	.....do.....	.....do.....	CT 3	Do.
62004-9076-24-41	.....do.....	.....do.....	CT 4	Do.
54015-2393-54-41	Jersey Central Power & Light Company	Gilbert	CC 4	June 25, 1985.
54015-2393-55-41	.....do.....	.....do.....	CC 5	Do.
54015-2393-56-41	.....do.....	.....do.....	CC 6	Do.
54015-2393-57-41	.....do.....	.....do.....	CC 7	Do.
56516-6081-52-41	Massachusetts Municipal Wholesale Electric Company	Stony Brook	CC 2	June 30, 1985.
52117-3344-21-41	Northwestern Public Service Company	Huron Gas Turbine	GT 1	June 30, 1985.
52304-3156-26-41	Philadelphia Electric Company	Barbadoes	CT 6	Sept. 28, 1984.
52304-3156-27-41	.....do.....	.....do.....	CT 7	Do.
53370-2067-25-41	Public Service Commission of Yazoo City	Yazoo City	CT 5	June 12, 1985.
52564-0147-03-41	Salt River Project	Kyrene	No. 3	June 5, 1985.
52564-0147-04-41	.....do.....	.....do.....	No. 4	Do.
52855-1336-25-41	Sunflower Electric Co-op	Garden City	CT 5	June 30, 1985.
52987-3393-37-41	Tennessee	Thomas H. Allen	GT 17	May 2, 1985.
52987-3393-38-41	.....do.....	.....do.....	GT 18	Do.
52987-3393-39-41	.....do.....	.....do.....	GT 19	Do.
52987-3393-40-41	.....do.....	.....do.....	GT 20	Do.
53256-3527-51-41	West Texas Utilities	San Angelo	CC 1	June 30, 1985.

Duration of Temporary Exemption

ERA grants these temporary public interest exemptions for the maximum statutory period of five years, which includes the period during which the petitioners were allowed to burn natural gas while their petitions were pending, to the extent that such period will not extend beyond June 30, 1985. The termination dates of these temporary public interest exemptions are listed in this Decision and Order. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on May 5, 1981. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230, April 9, 1979), ERA will take no action with respect to any natural gas used by the exempted powerplants during the pendency period prior to the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order

are conditioned upon, and shall remain in effect, so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period during which the petition was pending, and for each subsequent six-month period thereafter (periods ending June 30 and December 31), the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of middle distillate fuel oil displaced. The report must be submitted within thirty days of the end of each six-month period.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan. If the petitioner has received temporary public interest exemptions under previous orders, the first granted exemption order establishes the due date for the system-wide conservation plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1982, a report

on progress achieved in implementing the system-wide fuel conservation plan.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on February 27, 1981.

Robert L. Davies,
Assistant Administrator, Office of Fuels
Conversion, Economic Regulatory
Administration.

[FR Doc. 81-7111 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 52031-0681-01-42]

**Utilities Commission of the City of
New Smyrna Beach; Acceptance of
Petition for Order Granting a
Permanent Exemption; Powerplant and
Industrial Fund Use**

AGENCY: Economic Regulatory
Administration.

ACTION: Notice of Acceptance of Petition for an Order Granting a Permanent Exemption for the Use of Natural Gas by a Powerplant with a Capacity of Less Than 250 Million Btu's Per Hour Filed Pursuant to the Final Rules Implementing the Powerplant and Industrial Fuel Use Act.

SUMMARY: On December 30, 1980, Utilities Commission of the City of New Smyrna Beach (New Smyrna Beach), Florida petitioned the Economic Regulatory Administration (ERA) of the Department of Energy for an order exempting its William E. Swoope electric generating plant Unit No. 1 from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) which prohibit natural gas use in certain existing electric powerplants. ERA's final rules implementing FUA, including criteria to be used in petitioning for exemptions from the prohibitions of FUA, were issued on May 30, 1980 and August 1, 1980, and were published in the Federal Register on June 6, 1980 (45 38276) and August 12, 1980 (45 FR 53682). New Smyrna Beach has requested a permanent exemption under Section 312(h) of FUA for use of natural gas by a powerplant with a capacity of less than 250 million Btu's per hour for its William E. Swoope plant Unit No. 1 and certifies that Unit No. 1 has a design capability of consuming fuel at a fuel heat input rate of less than 250 million Btu's per hour.

In addition, New Smyrna Beach certifies that Unit No. 1 was a baseload powerplant on April 20, 1977; that Unit No. 1 is not capable of burning solid coal, and no suitable coal derivative is available; and that use of a mixture of an alternate fuel and natural gas or petroleum for which an exemption would be available is not technically or economically feasible in Unit No. 1.

Section 301(a)(1) of FUA imposes prohibitions against natural gas use as a primary energy source in an existing electric powerplant on or after January 1, 1990. Section 301(a) (2) and (3) of FUA prohibit the use of natural gas a primary energy source in an existing electric powerplant before January 1, 1990, unless such powerplant burned natural gas as a primary energy source in 1977, and then in no proportion greater than the average yearly proportion which the powerplant used in calendar years 1974 through 1976, unless an exemption has been granted by ERA. William E. Swoope Unit No. 1 is subject to the prohibitions in both Section 301 (a)(1) and Section 301(a) (2) and (3) of FUA. ERA's decision in this matter will determine whether William E. Swoope Unit No. 1 will be granted an exemption. In accordance with the provisions of Section 701 (c) and (d) of FUA and 10 CFR 501.31 and 10 CFR 501.33, interested persons are invited to submit written comments in regard to this matter.

Any interested person may also submit a written request that ERA convene a public hearing.

DATES: Written comments and requests for a public hearing are due on or before April 20, 1981. A request for a public hearing may be made by any interested person within this same 45-day period.

ADDRESSES: Fifteen copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW, Washington, D.C. 20461. Case Number ERA-FC-52031-0681-01-42 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT: Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, (202) 653-4055.

James W. Workman, Director, Powerplants Conversion Division Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3112D, Washington, D.C. 20461, (202) 653-4288.

Henry K. Garson, Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) published final rules on June 6, 1980, and August 12, 1980, implementing provisions of Title III of the Powerplant and Industrial Fuel Use Act of 1978 (FUA). Title III of FUA prohibits the use of natural gas as a primary energy source in an existing electric powerplant on or after January 1, 1990, and currently prohibits the use of natural gas as a primary energy source in an existing electric powerplant unless such powerplant burned natural gas as a primary energy source in 1977, and then in no proportion greater than the average yearly proportion which the powerplant used in calendar years 1974 through 1976, unless an exemption has been granted by ERA.

On December 30, 1980, Utilities Commission of the City of New Smyrna Beach (New Smyrna Beach), Florida, petitioned ERA for an order exempting its William E. Swoope electric generating plant Unit #1 from the provisions of FUA. New Smyrna Beach filed its petition pursuant to 10 CFR 504.60, which provides for a permanent exemption for powerplants with capacities of less than 250 million Btu's per hour. William E. Swoope Unit No. 1 is a 7.5 MW electric powerplant that uses natural gas and is subject to the Title III prohibitions on natural gas use.

William E. Swoope Unit No. 1 is currently allowed to burn natural gas until October 31, 1981, under a special temporary public interest exemption which ERA granted to New Smyrna Beach pursuant to 10 CFR § 508. In its petition, New Smyrna Beach has certified that Unit No. 1 has a design capability of consuming fuel at a fuel heat input rate of less than 250 million Btu's per hour; Unit No. 1 was a baseload powerplant on April 20, 1977; Unit No. 1 is not capable of burning solid coal, and no suitable coal derivative is available; and use of a mixture of an alternate fuel and natural gas or petroleum for which an exemption would be available is not technically or economically feasible in Unit No. 1.

New Smyrna Beach has stated that if such a permanent exemption is granted to Unit No. 1 it will accept the terms and conditions set forth in 10 CFR 504.60(b) which are that all steam pipes on Unit No. 1 must be insulated, and all steam

traps on Unit No. 1 must be properly maintained; and that this exemption for Unit No. 1 may only apply to prohibitions under Section 301 of FUA and prohibitions established by final rules or orders issued before January 1, 1990.9

ERA hereby accepts New Smyrna Beach's petition as adequate for filing pursuant to 10 CFR 501.3(d); however, ERA retains the right to request additional relevant information from New Smyrna Beach at any time during the pendency of these proceedings where circumstances or procedural requirements may so require.

The public file, containing documents on these proceedings and supporting material, is available for inspection upon request at: Economic Regulatory Administration, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 A.M.-4:30 P.M.

Issued in Washington, D.C. on February 24, 1981.

Robert L. Davies,
Assistant Administrator, Office of Fuels
Conversion, Economic Regulatory
Administration.

[FR Doc. 81-7112 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case Nos. 50643-6025-04-82; 50643-6025-05-82]

**Powerplant and Industrial Fuel Use;
Proposed Prohibition Orders;
Commonwealth Edison Co., Morris, Ill.
(Collins Station, Units 4 and 5)**

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice, pursuant to Sections 301(b) and 701(b) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA), and 10 CFR 501.51(b)(5), of the second three-month public comment period, during which Commonwealth Edison Company (Commonwealth) was to demonstrate eligibility for exemptions from proposed prohibition orders issued for Collins Station, Units 4 and 5, (45 FR 65, (January 2, 1980)). That comment period is hereby extended to the earlier of (1) sixty days after the date on which a final order is issued in the rate proceeding pertaining to Commonwealth Edison Company which is currently pending before the Illinois Commerce Commission (Docket No. 80-0546), or (2) September 8, 1981.

**Request for Extension of the Public
Comment Period**

The proposed prohibition orders provided for an initial public comment period of three months. This first comment period expired on April 2,

1980. Pursuant to 10 CFR 501.51(b)(4), ERA issued a Notice of Intention to Proceed with Prohibition Order Proceedings on October 22, 1980, which notice was published in the Federal Register, 45 FR 71646 (October 29, 1980). This publication commenced a second three-month period, during which Commonwealth was entitled to present evidence to demonstrate that Collins 4 and 5 would qualify for exemptions which would constitute a defense to the issuance of a final prohibition order. 10 CFR 501(b)(3).

By letter dated January 22, 1981, Commonwealth requested that the second comment period be extended from January 29, 1981, until the earlier of (a) sixty days after the date upon which the Illinois Commerce Commission issues a final order in the Commonwealth rate proceeding currently pending before it in Docket No. 80-0546, or (b) September 8, 1981. In support of its request for an extension of time, Commonwealth stated that:

(1) It is currently engaged in a construction program which requires substantial capital investments due to inflation and additional costs imposed by regulatory delays in construction and environmental compliance requirements. Because of these expenses it has suffered a significant deterioration of earnings, a decline in debt and preference stock coverages, and repeated downgradings of Commonwealth's securities ratings. This conclusion is corroborated by the Illinois Commerce Commission staff, whose testimony before that Commission concluded that financial difficulties would "threaten both [Commonwealth's] immediate financial integrity and also its long-run ability to provide adequate electric service to its customers." To alleviate this condition, Commonwealth currently is seeking rate relief from the Illinois Commerce Commission. Because of the conditions referred to above, the Commission issued an interim order (Docket No. 80-0546) on November 19, 1980, granting certain rate relief and is expected to issue a final order on or before July 5, 1981.

(2) Delays in licensing its new nuclear plant, LaSalle Unit 1, has further complicated its financial condition. In this regard, Commonwealth hopes to be able to obtain an operating license for that plant from the Nuclear Regulatory Commission (NRC) within the next few months.

(3) Final decisions in the pending ratemaking proceeding and licensing of LaSalle Unit 1 by the NRC are essential in order for ERA to determine its

financial capability to proceed with the conversion of the Collins Units.

(4) Under the circumstances described above, it would not be useful for it to gather and submit for ERA's review financial information in support of an exemption for the Collins Units until after the Illinois Commerce Commission has had an opportunity to act on Commonwealth's rate increase requests and the NRC has proceeded with the licensing of LaSalle Unit 1.

**Basis for Granting an Extension of the
Comment Period**

ERA believes that it is reasonable to expect that Commonwealth will receive a decision on rate relief from the Illinois Commerce Commission and a decision from the NRC on the LaSalle unit 1 operating license prior to September of 1981. In addition, ERA believes that it should have the most current financial information available in order to properly assess the financial capability of Commonwealth to accomplish conversion of the Collins Units.

Since ERA is interested in reducing the regulatory burden on proposed order recipients whenever it is feasible and believes that the requested extension will not unduly delay ERA's proceedings, ERA has determined to exercise its discretion and grant an extension of time under 10 CFR 501.51(b)(5) because of the unusual circumstances of this case. Accordingly, ERA extends the period during which this proposed prohibition order recipient can demonstrate its entitlement to exemptions until the earlier of (1) sixty days after the date upon which the Illinois Commerce Commission issues a final order in its rate proceeding pertaining to Commonwealth in Docket No. 80-0546, or (2) September 8, 1981.

Further Information

For further information contact:
Jack Vandenberg, Office of Public
Information, Economic Regulatory
Administration, Department of
Energy, 2000 M Street, NW., Room B-
110, Washington, D.C. 20461 (202) 653-
4055

Steven A. Frank, Office of Fuels
Conversion, Economic Regulatory
Administration, Department of
Energy, 2000 M Street NW., Room
3302J, Washington, D.C. 20461 (202)
653-4184

L. Dow Davis IV, Office of General
Counsel, Department of Energy, 1000
Independence Avenue, SW., Room
6B-178, Washington, D.C. 20585 (202)
252-2967

Issued in Washington, D.C. March 2, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7231 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-01-M

Dalco Petroleum, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Dalco Petroleum, Incorporated, 2431 East 51st Street, Tulsa, Oklahoma 74105. This Proposed Remedial Order charges Dalco with pricing violations in the amount of \$592,476.84, connected with the resale of propane during the time period November 1, 1973 through March 31, 1974 in the State of Oklahoma.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, 2626 West Mockingbird Lane, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before March 23, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 19th day of February 1981.

Wayne I. Tucker,

Southwest District Manager, Southwest District Enforcement.

[FR Doc. 81-7232 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 67020-9999-01-22; Docket No. ERA-FC-80-023]

Powerplant and Industrial Fuel Use Provisions; Soyland Power Cooperative, Inc.

AGENCY: Economic Regulatory Administration, Department of Energy

ACTION: Notice of Availability of Tentative Staff Analysis

SUMMARY: On April 4, 1980, Soyland Power Cooperative, Inc. (Soyland) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent fuel mixtures exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) which prohibit the use of petroleum or natural gas in new powerplants.

Soyland plans to install a 220,000 KW compressed air energy storage system

(CAES) to produce electricity to serve fifteen distribution cooperatives within the State of Illinois. A prepetition conference was held in Washington, D.C., at Soyland's request on February 20, 1980. On April 4, 1980, Soyland submitted a petition for a permanent fuel mixtures exemption pursuant to 10 CFR 501.3 and 503.38.

ERA accepted the petition on September 8, 1980, and published notice of its acceptance in the Federal Register on September 12, 1980 (45 FR 60471). Publication of the Notice of Acceptance commenced a 45-day public comment period pursuant to Section 701 of FUA. Interested persons were also afforded an opportunity to request a public hearing. The comment period ended October 27, 1980. No comments were received. No hearing was requested.

ERA's staff has reviewed the information presently contained in the record of this proceeding. A Tentative Staff Analysis has been prepared which recommends that ERA issue an order granting a permanent fuel mixtures exemption to permit Soyland to use natural gas or petroleum in its proposed powerplant.

ERA will issue a final order granting or denying the petition for a permanent exemption from the prohibitions of the Act within six months, unless extended by ERA, after the public comment period provided for in this notice has expired. Notice of, and a statement of reasons for, any extension will be published in the Federal Register.

DATES: Written comments on the Tentative Staff Analysis and requests for a hearing are due on March 20, 1981.

ADDRESSES: Fifteen copies of written comments, and any request for a public hearing shall be submitted to: Department of Energy, Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461. Docket Number ERA-FC-80-023 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055

Louis T. Krezanosky, Economic Regulatory Administration, Department of Energy, Room 3012B, 2000 M Street, NW., Washington, D.C. 20461, Phone (202) 653-4208

James Renjilian, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room

6B-178, Washington, D.C. 20585, Phone (202) 252-2967

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting material on this proceeding is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., 20461 Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Soyland plans to install a new 220,000 KW compressed air energy storage system (CAES) to produce electricity for fifteen distribution cooperatives it serves within the State of Illinois. The CAES system will use a mixture of natural gas or petroleum and compressed air (produced during off-peak hours from electricity).

Tentative Staff Analysis

On the basis of an independent analysis of information presented in Soyland's petition, the staff has concluded that ERA should grant the requested fuel mixtures exemption.

The staff initially found that Soyland met the applicable criteria of Section 213(c)(1) of the Act, and the rule, 10 CFR § 503.8(b), promulgated thereunder, for meeting the general requirement that there is no alternative power supply economically available. This rule requires:

(1) A demonstration that a diligent effort has been made to reduce the need for the proposed powerplant by implementing whatever conservation measures are available and cost effective (10 CFR § 503.8(b)(1));

(2) A demonstration that a diligent effort has been made to purchase firm power for the first year of operation at a cost that is less than ten (10) percent above the annualized cost of generating power from the proposed plant (10 CFR 503.8(b)(2)); and

(3) Where (as in Soyland's case) the reserve margin is greater than twenty (20) percent, and it can be demonstrated that no alternative power supply is available without impairing reliability of service. (10 CFR § 503.8(b)(ii)).

Concerning the first of these, the staff has concluded that since Soyland does not provide retail electric service and currently does not have any generating capacity of its own, what conservation criteria of 10 CFR 503.8(b)(1) are inapplicable.

As for the second criterion, the staff has concluded that Soyland made the required effort but could not purchase firm power for the first year of operation at a cost that is less than ten (10) percent above the annualized cost of

generating its own power through CAES. This conclusion is based upon assumptions and analyses contained in two separate cost studies; one entitled "The Relative Merits of Building a Compressed Air Energy Storage System to meet Soyland Power Cooperatives' Need for Peaking Capacity" prepared for Soyland by Arthur D. Little, Inc., dated November 26, 1979 and submitted to ERA as part of its petition and another prepared by the staff, itself, dated February 12, 1981. Both studies, using different assumptions and methods, reach the same conclusion, that the cost of purchased power, as compared to self-generated power through the CAES system, would exceed the ten (10) percent test.

Respecting the last criterion, the staff concluded that Soyland qualifies as a small electric system (defined under Section 744 of FUA as a system with less than 2000 megawatts of generating capacity). In the preamble to the Final Rule, ERA, in response to comments that small electric systems would be unable to show no alternative power supply because they would not be able to demonstrate a reserve margin below twenty (20) percent, indicated that where the reserve margin is above twenty (20) percent, it will consider other justifiable reasons why no alternative power supply is available. Section 213(c)(1) of FUA does not require a petitioner to purchase power at more than a reasonable cost. As stated above, two separate studies have concluded that the cost of purchased power is prohibitive as compared to self-generated power through Soyland's proposed CAES. ERA's staff has concluded this to be a sufficient justifiable reason by which Soyland satisfies 10 CFR 503.8(b)(3)(ii).

The staff then found that Soyland qualifies for a fuel mixtures exemption pursuant to the criteria set forth in 10 CFR 503.38(a)(1) and (2). Based on these criteria, the petitioner demonstrated that it proposes to use a mixture of natural gas or petroleum and an alternate fuel (electricity generated by baseload coal or nuclear powerplants) and that the amount of natural gas or petroleum which is to be used (based on the size of CAES and its fuel requirements, as provided by Soyland) is the minimum amount needed to maintain a reasonable level of fuel efficiency.

National Environmental Policy Act Compliance

Section 763(3) of the FUA provides

that the grant or denial of an exemption is not a major Federal action for purposes of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) where ". . . the Secretary finds, in consultation with the appropriate Federal agency, and publishes such finding that an environmental impact statement is required in connection with another Federal action and such statement will be prepared by such agency and will reflect the exemption adequately."

DOE's Office of Environment has determined, after consultation with the Rural Electrification Administration of the Department of Agriculture (REA), that an environmental impact statement (EIS) is required in connection with REA's granting of financial assistance for the CAES project. REA had agreed to prepare the EIS in a manner which adequately reflects the petitioner's requested fuel mixtures exemption. Accordingly, under the authority of Section 763(3) a decision on Soyland's petition is not a major Federal action for purposes of NEPA and a separate EIS is not required to be prepared by DOE.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. The staff of ERA recommends that the requested fuel mixtures exemption be granted and, pursuant to Section 214(a) of the Act, include the following terms and conditions:

A. Soyland shall submit an annual certification that it has not used more than the minimum amount of petroleum or natural gas needed to maintain operational reliability of the unit consistent with maintaining a reasonable level of fuel efficiency.

B. Soyland should consider the development of a plan containing fuel conservation measures which it could adopt before the CAES becomes operational.

Issued in Washington, D.C. on March 2, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7233 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. G-13299-002, et al.]

Arco Oil and Gas Co., Division of Atlantic Richfield Co. (Succ. in Interest to Coastal Oil & Gas Corp. & Eason Oil Co.); Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

March 2, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 12, 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 in determining the appropriate action to be taken 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 therein must file petitions 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 on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal

hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. ³	Pressure base
G-13299-002 E, Jan. 15, 1981 ¹	ARCO Oil and Gas Company, Division of Atlantic Richfield Company (Succ. in interest to Coastal Oil & Gas Corporation & Eason Oil Company), P.O. Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipe Line Company; Laverne Field, Beaver and Harper Counties, Oklahoma.	(⁸)	14.65
G-14348-000 D, Jan. 23, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Tx 77001.	West Texas Gathering Company, Emperor Field, Winkler County, Tx.	(⁹)	
C161-1333-000 E, Jan. 5, 1981 ¹	American Petrofina Company of Texas (Succ. in interest to Beacon Oil and Refining Company), P.O. Box 2159, Dallas, Texas 75221.	The B & A Pipe Line Company, Henderson Field, Rusk County, Tx.	(⁹)	14.65
C173-293-000 F, Jan. 22, 1981 ⁶	Belco Petroleum Corporation, Agent (Succ. in interest to Belco 1971 Oil & Gas Fund, Ltd.), One Dag Hammarskjold Plaza, New York, New York 10017.	Tennessee Gas Pipeline Company, West Delta Block 64, Offshore Federal Domain, Louisiana.	(⁷)	15.025
C179-539-001 E, Jan. 30, 1981	Southwest Gas Storage Company (Succ. in interest to Diamond Shamrock Corporation), P.O. Box 1642, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, Borchers North Field, Meade County, Kansas.	(⁹)	14.65
C181-205-000 A, Feb. 17, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, East Cameron Block 47, Offshore Louisiana.	(⁹)	15.025
C181-206-000 A, Feb. 18, 1981	Mesa Petroleum Co., One Mesa Square, P.O. Box 2009, Amarillo, Tx 79189.	Natural Gas Pipeline Company of America, South Pass Area, Block 78, Offshore Louisiana.	(¹⁰)	15.025
C181-207-000 (G-10504) B, Feb. 18, 1981.	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Ok 74004.	Michigan Wisconsin Pipeline Company, Bourque Unit, Lewisburg Field, St. Landry and Acadia Parishes, Louisiana.	(¹¹)	
C181-208-000 (C166-317) B, Feb. 19, 1981.	Cabot Corporation, One Houston Center, Suite 1000, Houston, Texas 77010.	United Gas Pipeline Company, T. J. Williams Survey, Fostona Field, Montgomery County, Texas.	(¹²)	
C181-209-000 A, Feb. 19, 1981	Pennzoil Producing Company, P.O. Box 2967, Houston, Texas 77001.	Texas Eastern Transmission Corporation, Kildare Field in Cass County, Texas.	(¹³)	14.73

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total succession; F—Partial Succession.

¹ By Assignment dated 6-16-80, effective 2-25-80, Eason Oil Company assigned to Applicant all of its interest in Gas Producing Enterprises, Inc. Armagost #1 Well located at the approximate center of the SE/4 NW/4 Sec. 27-T3N-R27ECM, Beaver County, Oklahoma and such sale was authorized by the Commission in docket No. CS71-0631. By Assignment dated 3-17-80, Gas Producing Enterprises, Inc. successor in interest to Colorado Oil and Gas Corporation and predecessor of Coastal Oil and Gas Corporation assigned to Applicant all of its interest in and to the above-described Armagost #1 Well. Such sale was authorized by the Commission in docket No. C160-781.

² Applicant is filing under Gas Purchase Agreement dated 11-13-78 and amended by Amendment to Rollover Contract dated 10-10-80.

³ Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.

⁴ By Assignment dated October 14, 1969 to be effective August 1, 1969, Beacon assigned to Petrofina all of its undivided right, title and interest in the oil and gas properties.

⁵ Applicant is filing under Gas Purchase Contract dated July 31, 1952 as amended.

⁶ Belco 1971 Oil & Gas Fund, Ltd. was cancelled effective September 30, 1980 and Belco Petroleum Corporation thereby acquired the interest in the subject reserves.

⁷ Applicant is filing under contract dated June 8, 1972, as amended.

⁸ "ASSIGNMENT OF OIL AND GAS LEASES" dated July 24, 1980. Diamond assigned to Southwest all of its rights, title and interest in and to certain oil and gas leases covering lands situated to Meade County, Kansas effective April 1, 1979.

⁹ Applicant is filing under Gas Purchase and Sales Agreement dated December 23, 1980.

¹⁰ Applicant is willing to accept the applicable rate under Section 104 of the Natural Gas Policy Act of 1978 on South Pass Area, Block 78.

¹¹ Production is uneconomical to the point that approvals are in the process of being obtained to plug and abandon service from all wells covered under the subject rate schedule.

¹² All gas reserves are depleted to the extent that the continuance of gas service is unwarranted. The only well on the lease was plugged and abandoned on May 18, 1972.

¹³ Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.

[FR Doc. 81-7184 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-108-001]

Boundary Gas, Inc.; Amendment to Application

March 2, 1981.

Take notice that on February 3, 1981, Boundary Gas, Inc. (Applicant), Eight Arlington Street, Boston, Massachusetts, 02116, filed in Docket No. CP81-108-001 an amendment to its application pending in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect amendments made to the gas purchase contract and the gas sales agreement between Applicant and TransCanada PipeLines Limited (TransCanada), all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

By its application filed December 19, 1980, in the instant docket, Applicant requested authorization to resell natural gas to 14 purchasers which gas

Applicant proposes to purchase from TransCanada and import from Canada to the United States. Applicant states that the gas purchase contract with TransCanada has been amended in several ways. It is stated that in regard to make-up rights, a provision was added which required that TransCanada repay Applicant all amounts previously paid to TransCanada for take or pay gas in the event that any governmental action prevents TransCanada from delivering or prevents Applicant from receiving any quantity of such gas.

It is asserted that in the original agreement, Applicant would pay to TransCanada the international border price of gas for each 1,000,000 Btu delivered and that now the reference to the international border price has been eliminated in order to conform the form of the gas purchase contract with TransCanada's other export contracts. Moreover, Applicant states that interest

on its late payments would not be at an annual rate which is equal to the applicable prime rate of interest charged by Citibank plus one and one-half percentage points but would now be tied to the prime rate of interest charged by the Canadian Imperial Bank of Commerce plus one percent point. It is stated that the purpose of this amendment would be to lower the interest rate on late payments by Applicant since the prime rate charged by the Canadian Imperial Bank of Commerce is generally lower than the prime rate charged by Citibank.

It is further stated that the price of take or pay gas is to be recalculated by adding for each Mcf Applicant receives of take or pay gas the transportation/daily demand rate, the transportation commodity rate, and the imported Alberta border price. It is stated that in no event may the charge per Mcf of take

or pay gas exceed an amount equal to 105 percent of TransCanada's Canadian tariff in TransCanada's Eastern rate zone calculated at a total load factor of 100 percent. Applicant maintains that this amendment is designed to lower Applicant's payments for take or pay gas to a level approximately equal to the price charged by TransCanada to its Canadian domestic customers in its Eastern rate zone.

It is stated that the present article dealing with the measurement of gas contains a minor technical error and should be amended to provide that the average absolute atmospheric pressure for determining the volume and total heating value of the natural gas should be 14.4 pounds per square inch.

Applicant asserts that the gas sales agreement need be amended only to provide that unless otherwise agreed to a shareholder's payment is to be made to the escrow agent designated by Applicant pursuant to the escrow agreement between Applicant and TransCanada at or before 11:00 a.m. Eastern Standard Time rather than at a designated bank in the United States at or before 10:00 a.m. on the day in which payment is due TransCanada from Applicant.

Applicant also states that a letter agreement between Applicant and TransCanada reflects the parties understanding that the form of gas purchase contract permits measurement of the total heating value of the gas at TransCanada's receipt point as opposed to the point of delivery; however, the measurement of the gas would be changed from the receipt point to the point of delivery should any material variation occur between the total heating value of the gas at these two points which cannot be corrected within thirty days of Applicant's notice of the variation.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 23, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7200 Filed 3-5-81; 8:45 am].

BILLING CODE 6450-95-M

[Project No. 3230-001]

Chasm Hydro, Inc.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

March 2, 1981.

Take notice that Chasm Hydro, Inc. (Applicant) filed with the Federal Energy Regulatory Commission on January 5, 1981, and application for exemption for its Chateaugay Chasm Hydroelectric Project No. 3230 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 Subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.¹ The proposed project would be located on the Chateaugay River in Franklin County, New York. Correspondence with the Applicant should be directed to: Mr. John H. Dowd, Box 266, Chateaugay, New York 12920.

Project Description—The proposed run-of-the-river project would redevelop the existing but inoperative Chateaugay Chasm Hydroelectric Plant and would consist of: (1) a 60-foot-high and 42-foot-long reinforced concrete dam having a spillway crest elevation of 730 feet U.S.G.S. datum and surmounted by 2-foot-high flashboards; (2) a reservoir having a surface area of 1.8 acres and a gross storage capacity of 73 acre-feet at normal pool elevation 732 feet U.S.G.S. datum; (3) a screened and gated intake and sluice structure located at the dam's right (north) abutment; (4) a 7-foot-diameter and 200-foot-long reveted steel penstock (5) a native stone and masonry powerhouse containing two generating units having a total rated capacity of 1470-kW; and (6) appurtenant facilities. Project energy would be transmitted over a short transmission line to a transformer directly connected to existing New York State Electric and Gas Corporation's transmission lines. Applicant estimates the annual generation would average about 7,725,600 kWh.

Purpose of Project—Project energy would be sold to New York State Electric and Gas Corporation.

Purpose of Exemption—An exemption, if issued, gives the Exemptee

priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 9, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows and interested person to file the competing license application no later than August 7, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 9, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all

¹ Pub. L. 96-294, 94 Stat. 611 Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3230. 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. 81-7201 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. TC81-20-000]

City of Ripley, Mississippi; Petition for Emergency Relief

March 2, 1981.

Take notice that on February 9, 1981 the City of Ripley (City), Ripley, Mississippi 38663 filed in Docket No. TC81-20-000 a petition for emergency relief from a penalty of \$77,702.02 assessed by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), for violation of Tennessee's G-1 rate schedule. City purchases natural gas from Tennessee, and in December 1980 overran its contract demand of 4,249 Mcf per day on 15 separate days due to its admitted failure to curtail and interrupt properly its interruptible customers. City alleges that its failure is due to its inexperience with rate schedules containing penalty provisions.

City further alleges that the payment of the penalty would create severe economic hardship in the City's economy and therefore prays that the Commission will grant City relief by waiver of the penalty.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 23, 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7202 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-164-000]

Columbia Gas Transmission Corp., Application

March 2, 1981.

Take notice that on January 29, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-164-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchase and operation of L-M & R Delivery Company's (L-M & R) entire pipeline system in Washington and Noble Counties, Ohio, 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 acquire by purchase and operate L-M & R's entire pipeline system consisting of approximately 24.5 miles of 6-8- and 10-inch pipeline, 21 field measuring stations and all other property rights and interests pursuant to an acquisition agreement dated December 17, 1980. Such facilities, it is asserted, are located in Fearing, Lawrence, Liberty and Newport Townships, Washington County and Elk Township, Noble County, Ohio.

Applicant states that it will continue to utilize the L-M & R facilities which currently transport natural gas produced by L & M Petroleum, Inc. and C. W. Riggs for delivery to Applicant's pipeline system. Applicant further states that the subject facilities interconnect with Applicant's existing facilities.

Applicant further submits that acquisition of the subject facilities would give Applicant access to additional gas volumes as independent producers are currently conducting or planning exploration and development in the vicinity of the subject facilities and have indicated a willingness to dedicate any developed reserves to

Applicant if Applicant is able to receive such gas.

Applicant estimates the total purchase price of the proposed facilities to be \$3,402,171 to be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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. 81-7203 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-193-000]

Cities Service Gas Co.; Application

March 2, 1981.

Take notice that on February 12, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-193-000 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 measuring, regulating and appurtenant facilities for the sale of natural gas to Missouri Public Service Company (MoPub), 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 certain measuring, regulating and appurtenant facilities for the sale of natural gas to MoPub for its Ralph Green generating station at Pleasant Hill, Cass County, Missouri.

Applicant states that by order issued April 11, 1957, it was authorized to deliver on an interruptible basis up to 13,095 Mcf of natural gas per day to MoPub for MoPub's electric generation unit at its Ralph Green generation station.

It is further asserted that MoPub is in the process of installing a GE 7,000 E gas turbine electric generation unit at this station which would have a peak natural gas requirement of 819 Mcf per hour. The first 1,000 Mcf of natural gas per day would still be supplied by Gas Service Company and the excess would be supplied by Applicant.

It is submitted that MoPub has filed a petition with the Economic Regulatory Administration for a permanent peakload powerplant exemption for the use of natural gas in this turbine.

Applicant states that in order to effectuate this sale it would construct and operate additional measuring, regulating and appurtenant facilities. Applicant estimates the total construction costs to be \$91,600 which would be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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. 81-7185 Filed 3-5-81; 8:45 am)
BILLING CODE 6450-85-M

[Project No. 4014-000]

City of Tacoma; Application for Preliminary Permit

March 2, 1981.

Take notice that City of Tacoma (Applicant) filed on January 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4014 to be known as Hanson Dam Project located on the Green River in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Paul J. Nolan, Director, City of Tacoma, Department of Public Utilities, P.O. Box 11007, Tacoma, Washington 98411. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: (1) a new intake structure through the existing Corps of Engineers' 675-foot long, earthfilled Howard Hanson Dam; (2) a penstock; (3) a powerhouse containing one generating unit rated at 10 MW; and (4) a transmission line. The project would be operated in coordination with the Applicant's water supply system.

The Applicant estimates that the average annual energy output would be 50 million kWh.

Purpose of Project.—The power produced by the project would be used to supply the Applicant's existing

100,273 customers within the 180-square mile service area.

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 conduct geotechnical and engineering studies, make an economic analysis, conduct environmental studies, consult with agencies, do a feasibility analysis and optimization study, and prepare an FERC license application. 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 \$250,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to City of Yelm and Pacific Hydro, Inc.'s and Mitchell Energy Company's Projects Nos. 3514 and 3735, filed on September 29, 1980, and November 12, 1980, respectively, 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 procedure specified in § 1.10 for protests. In determining the appropriate

action to take, the Commission will consider all protests or other comments filed, but a person who merely 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 March 26, 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 as a response to this notice of application for preliminary permit for Project No. 4014. 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. 81-7210 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-95-M

[Docket No. CP81-185-000]

**Columbia Gulf Transmission Co.,
Natural Gas Pipeline Company of
America; Application**

March 2, 1981.

Take notice that on February 9, 1981, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-185-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that pursuant to a gas transportation and exchange agreement dated September 30, 1980,

Columbia Gulf would transport up to 10,000 Mcf of natural gas attributable to Natural's volumes in South Marsh Island 265, offshore Louisiana, to the Texaco Henry Plant, Vermilion Parish, Louisiana.

Under such agreement, it is asserted, Columbia Gulf would transport Natural's gas from the point of receipt at Columbia Gulf's Pecan Island plant, Vermilion Parish, Louisiana, to the point of exchange at Columbia Gulf's Rayne compressor station, Acadia Parish, Louisiana, and would subsequently redeliver a thermally equivalent volume of gas less an adjustment for removal of liquifiables unaccounted gas and fuel, at the outlet of the Texaco Henry plant.

Applicants further state that Natural would pay Columbia Gulf a monthly transportation charge of \$1.86 per Mcf of contract demand gas. It is asserted that the monthly demand charge would be adjusted by 6.11 cents per Mcf for excess or deficiency in the contract demand.

It is further asserted that the agreement between Natural and Columbia Gulf would remain in full force and effect for a primary term of fifteen years commencing upon the day of the first gas deliveries thereunder and from year to year thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7204 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-95-M

[Docket No. TA81-1-21-001 (PGA81-1, IPR81-1, LFUT81-1, TT81-1, and AP81-1)]

**Columbia Gas Transmission Corp.,
Order Accepting for Filing and
Suspending Proposed Tariff Sheets
Subject to Refund and Subject to
Conditions**

Issued: February 28, 1981.

Columbia Gas Transmission Corporation (Columbia) filed revised tariff sheets¹ on January 29, 1981, reflecting increased purchased gas costs, an increase in the Louisiana First Use Tax (LFUT), an advance payment adjustment, and transportation adjustments and a surcharge adjustment. Columbia proposed an effective date of March 1, 1981.

The PGA adjustment provides for the recovery of \$99,420,570 in increased purchased gas costs, for the six month period ending August 31, 1981. There has been no reduction by Columbia to its total gas acquisition costs for amounts due to Maximum Surcharge Absorption Capability (MSAC), since those Columbia customers who supply non-exempt industrial boiler fuel facilities reported no MSAC's for the PGA period. In addition, the commodity surcharge adjustment provides for the recovery of a deferred purchased gas balance of \$18,889,143, as of December 31, 1980, over the six month period from March 1, 1981 through August 31, 1981. Columbia's PGA filing also reflects producer price escalations pursuant to area rate clauses.

The LFUT sales rate adjustment of .03 cents per Mcf and LFUT surcharge rate of .29 cents per Mcf are filed pursuant to Section 22 of Columbia's FERC Gas Tariff, Original Volume No. 1. Columbia's proposed transportation adjustment provides for the collection of \$7,656,822 annually on a current basis, while the proposed transportation

¹ Sixty-Fourth Revised Sheet No. 16, Fourteenth Revised Sheet No. 16A, Sixteenth Revised Sheet No. 64, and Fourth Revised Sheet Nos. 64E through 64I to FERC Gas Tariff, Original Volume No. 1.

surcharge provides for the return of the deferred transportation cost balance of \$12,867,357 as of November 30, 1980. Finally, the advance payment adjustment provides for an annual reduction of \$1,165,163, reflecting the cost of service effect of the change between the net remaining balance of advance payments at November 30, 1980 and the advance payment balance reflected in the rates in the Docket No. TA80-2-21 filing which became effective September 1, 1980.

Public notice of the filing was issued on January 21, 1981 providing for protests or petitions to intervene to be filed on or before February 17, 1981. Petitions to intervene were filed by the Dayton Power and Light Company, Washington Gas Light Company, Elizabethtown Gas Company, Baltimore Gas and Electric Company, People's Counsel of Maryland, Energy Action Educational Foundation, and the Cities of Charlottesville and Richmond, Virginia. Having demonstrated an interest in this proceeding warranting their participation, each of these petitioners shall be granted intervention.

In addition to petitioning to intervene, the Cities of Charlottesville and Richmond, Virginia (Cities) filed a protest whereby Cities request that the filing be rejected or, in the alternative, suspended and set for investigation.² Cities protests the collection by Columbia of the prices for which it has filed concerning: (1) "high-cost" natural gas under Section 107 of the Natural Gas Policy Act (NGPA) purchased in "first sales" from unaffiliated producers; and, (2) Columbia's company-owned production of Section 107 gas.

Cities maintains that Columbia's average purchase price (\$6.87 per Mcf) of Section 107 gas from unaffiliated producers is in total disregard of the market price. Cities reasons that since that are no industrial customers on the Columbia system that would be willing to pay \$6.87 per Mcf, the only way in which the producer-seller can command such a price is through the practice of rolled-in pricing. Cities concludes that Columbia's payment of prices for Section 107 gas in the range of \$6.47 per Mcf to \$7.23 per Mcf are far in excess of any price that may be properly passed through to Columbia's customers under Section 601(c) of the NGPA; and consequently, a thorough investigation is required.

Cities also protests Columbia's pricing of its own pipeline production of Section 107 gas at an average price of \$5.47 per Mcf. Cities alleges that these "high-cost"

gas prices were obtained by utilizing the Section 107(c)(5) maximum lawful price established by the Commission in Order No. 99 for sales of "tight sands" gas. According to Cities, by using this pricing approach, Columbia has exceeded "parity pricing" for its own production. Moreover, Cities charges that Columbia has directed its recent exploration and development efforts toward Section 107 gas, at the expense of searching for Section 102 and 103 gas.

Accordingly, Cities requests that the Commission reject Columbia's PGA filing or in the alternative suspend the filing, subject to refund, pending a complete investigation and an evidentiary hearing pursuant to Section 4 of the Natural Gas Act.

In its deliberations on Cities' request to set for hearing the question of whether Columbia should be allowed to passthrough the cost of deregulated gas, the Commission remains uncertain as to the particularities of Cities' allegation.

Situations might exist where we could deny passthrough of gas costs in accord with Section 601(b) and (c).³ We are not able at this stage to say whether Cities' allegations sufficiently define a wrong which would lead the Commission to deny passthrough in accord with Section 601(c). The mere conclusory allegation of a violation without any factual or indicative elements supporting such an allegation would ordinarily not be sufficient to lead the Commission to set the matter for hearing. However, this being a case of first impression, we believe it essential that the legal and factual issues relating to Section 601(c) be resolved at hearing. We therefore in this instance will refer such matters to an Administrative Law Judge for initial consideration.

More specifically, the Commission does not perceive that Section 601(c) provides for an examination of prudence, as would be the case under conventional Natural Gas Act rate proceedings, based upon Columbia's purchasing the subject gas, rather than other types of gas. However, when assertions are presented that Section 107 purchases involve conduct which rise to the level of fraud, abuse, or similar circumstances, we have a duty to evaluate them under the statutory criteria in Section 601(c). Abuse, in this context, does not refer to imprudence but to serious improprieties. Michigan's allegations suggest improper behavior which may rise to that level, and that is the question we are setting for the

judge's consideration. Allegations of fraud and similar behavior are serious matters and the Commission will pursue such matters to the appropriate extent. However, it is important to emphasize that Section 601 establishes a guarantee of cost passthrough for Section 107 gas absent a finding of fraud, abuse or similar grounds, and protestants have a heavy burden of proof to demonstrate that impropriety that would trigger the "fraud, abuse or similar grounds" basis for denying passthrough of costs.

With respect to Cities' allegations concerning company-owned production, we note that the Commission in Order No. 98, Docket No. RM80-6 (issued August 4, 1980), determined that the pricing of pipeline production should be subject to the same market-based limitations established by Congress in Section 601(b)(1)(E) for affiliate production. Whether Columbia's pricing of its own production of its Section 107 gas accords with Order No. 98 is set for hearing.

Based upon a review of Columbia's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, reasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Columbia's filing, grant waiver of the 30-day notice requirements and suspend the effectiveness so that it shall become effective on March 1, 1981, subject to refund and subject to the conditions described below. Furthermore, the Commission finds that the matters raised in Cities' protest require further investigation in the context of evidentiary proceedings under Section 601 of the NGPA and Sections 4, 5, 7, 8 and 15 of the Natural Gas Act.

In a number of suspension orders,⁴ the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.

⁴ E.g., *Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Co.*, Docket No. RP80-134 (September 24, 1980) (five month suspension).

³ The identity of, or differences between, "fraud", "abuse" or "similar grounds", when stated disjunctively in Section 601(c) is a particularly difficult but important question.

² Cities' protest is adopted by Energy Action Educational Foundation.

Such circumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect March 1, 1981, subject to refund, and subject to the conditions set forth in the body of this order and in the ordering paragraphs below.

Columbia's filing contains a provision allowing Columbia to track increases in the cost of gas resulting from payments to Columbia LNG Corporation (Columbia LNG). Under the Columbia LNG tariff, sales of LNG are priced to Columbia on a full cost of service basis as long as deliveries continue. The tariff further provides for payment of only out-of-pocket expenses under a minimum bill provision during periods on nondelivery. The current PGA billing projects payments of \$11.5 million during the six month period from March 1, 1981 through August 31, 1981, to Columbia LNG under the minimum bill provision because no deliveries of LNG are forecasted due to the interruption of LNG shipments from Algeria. Therefore, the 11.5 million should simply reimburse Columbia LNG for out-of-pocket expenses under the minimum bill provisions of the tariff. Since the issues involving Columbia LNG's implementation of the minimum bill provision are currently under suspension and investigation in Columbia's prior PGA filing, *Columbia Gas Transmission Corporation*, Docket No. TA80-2-21 (August 29, 1980),⁵ the appropriateness of Columbia's payments under the minimum bill provision should be suspended and made subject to the Commission's determination in that proceeding.

Furthermore, the Commission notes that Columbia's filing also includes increases pursuant to area rate clauses in its contracts with producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders prescribed in Docket No. RM79-22—that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to

Columbia shall be flowed through to the ratepayers in accordance with the procedures prescribed in Columbia's PGA clause.

The Commission Orders

(A) Columbia Gas Transmission Corporation's proposed Sixty-Fourth Revised Sheet No. 16, Fourteenth Revised Sheet No. 16A, Sixteenth Revised Sheet No. 64, and Fourth Revised Sheet Nos. 64E through 64I to FERC Gas Tariff, Original Volume No. 1 are accepted for filing and suspended, and waiver of notice requirements is granted so that the filing shall become effective March 1, 1981.

(B) Pursuant to the authority of Section 601 of the Natural Gas Policy Act, the Natural Gas Act, particularly sections 4, 5, 7, 8 and 15 thereof, and the Commission's Regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Columbia in such PGA filing.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a pre-hearing conference in this proceeding to be held within 30 days after the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(D) The issue regarding payment of LNG costs shall be subject to the Commission's determination in Docket No. TA80-2-21, *et al.*

(E) The petitioners listed in the body to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however*, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *provided, further*, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7194 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. E-7578, IN-989, and IN-991]

Commonwealth Edison Co. et al., Order on Remand

Issued: February 27, 1981.

On January 4, 1977, the United States Court of Appeals for the District of Columbia Circuit in *Cities of Batavia, et al. v. Federal Power Commission*,¹ vacated and remanded Commission² Opinion Nos. 681³ and 681-A⁴ issued in *Commonwealth Edison Company, et al.*, Docket Nos. E-7578, IN-989, and IN-991. Specifically, the court ordered that these opinions be reconsidered in light of the Supreme Court's decision in *Federal Power Commission v. Conway Corporation*.⁵

The court also suggested that because of the relatively small amount of money involved and the fact that it related to a 10 month period several years in the past, "this may well be a case in which the interests of administration and justice would be best served through a settlement between the parties."⁶ The Commission agreed and deferred consideration of this matter in order to allow the parties time to pursue a settlement.⁷ To date, however, the parties have not arrived at a settlement. For the reasons set forth below we shall direct the parties to attend an oral argument before this Commission or a designated Commissioner and to show cause why this matter cannot or should not be settled.

Background

On November 23, 1970, Commonwealth Edison Company (Commonwealth) filed increased rates to six municipal wholesale customers,⁸ revisions to certain terms and conditions of service dealing with its liability for interruptions in service, and a revision to its fuel adjustment clause. These changes related to Commonwealth's Tariff Rate 78. By

¹ 548 F.2d 1056 (D.C. Cir. 1977).

² The term "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

³ 51 F.P.C. 86 (January 7, 1974).

⁴ 51 F.P.C. 978 (March 6, 1974).

⁵ 426 U.S. 271 (1976).

⁶ *supra*, 548 F.2d at 1058.

⁷ In Opinion No. 63-A *Commonwealth Edison Company*, Docket Nos. E-9002 and ER76-122, issued November 16, 1979, mimeo at 2-3, n. 4, the Commission explained why it temporarily deferred action on the remand. In particular, the Commission noted that it had been informed that settlement negotiations were continuing, and that counsel for Commonwealth had acknowledged that the remanded proceeding was a case which might best be resolved by a settlement.

⁸ Batavia, Geneva, Naperville, Rock Falls, St. Charles, and Rochelle, Illinois.

⁵ The investigation of LNG costs in Columbia's prior PGA filing, Docket No. TA80-2-21, was subsequently consolidated with the LNG cost issue in Consolidated Gas Supply Corporation's PGA filing in Docket No. TA80-2-21, *et al.*, and with Southern Natural Gas Company in Docket No. RP80-136.

order issued January 28, 1971, the Commission suspended the proposed rate increase, consolidated the proceeding with two informal complaints filed in Docket Nos. IN-989 and IN-991 on August 9 and August 29, 1966, respectively,⁹ and initiated a hearing.

In an initial decision issued on November 29, 1972,¹⁰ the presiding administrative law judge found that the proposed rates were unduly discriminatory and restrained competition for a ten month locked-in period between February 2, 1971, and December 13, 1971.¹¹ The judge based his conclusion on the subsidiary findings that (1) the proposed Tariff Rate 78 for the Cities was comparable to Rate 6, Commonwealth's rate for sales to large industrial customers; (2) the proposed increase to the Tariff Rate 78 would increase the demand charge for all sales over 1000kw by ten cents per month per kilowatt of demand above the comparable retail Rate 6 demand charges; and (3) there was no cost justification for the difference in rates. As a result, the presiding judge ordered that the proposed increase be reduced to a level comparable to industrial Rate 6 for the ten month locked-in period. The judge, however, further found that the proposed changes in the provision regarding liability for service interruptions and in the fuel adjustment clause were just and reasonable.

Opinion No. 681 affirmed the presiding judge's findings on the service interruption liability provision and on the fuel adjustment clause. The Commission, however, reversed the judge's determination that the proposed rates were unduly discriminatory and anticompetitive. The Commission held that the presiding judge had erred in comparing the proposed wholesale rates to the effective retail industrial rates, reasoning that the retail industrial rates were not subject to the Commission's jurisdiction, and that it would therefore be improper to consider them in determining the just and reasonable wholesale rates. The Commission also disagreed with the presiding judge's

finding on comparability of service. While ageing that there were numerous factual similarities between the services in question, the Commission focused on disparities in demand characteristics, noting that the Cities' peak demands tended to coincide with Commonwealth's system peaks while the industrial customers' peak demands did not. According to the Commission's analysis, this distinction was sufficient to warrant a difference in the rates charged.

The Cities of Geneva and Batavia, Illinois subsequently filed an application for rehearing in which they asserted that the Commission erred (1) in declining to compare Commonwealth's jurisdictional wholesale rate with its nonjurisdictional retail rate; (2) in concluding that the two services were not comparable; and (3) in finding the service interruption liability clause to be acceptable. On March 6, 1974, in Opinion No. 681-A, the Commission denied rehearing.

A petition for review was thereafter filed with the United States Court of Appeals for the District of Columbia Circuit. Prior to the oral argument and decision in that case, the United States Supreme Court issued a decision in *Federal Power Commission v. Conway Corporation*.¹² In that decision, the Court found that the FPC had jurisdiction to consider "the allegations of the company's wholesale customers that the proposed wholesale rates, which are within the Commission's jurisdiction, are discriminatory and noncompetitive when considered in relation to the company's retail rates, which are not within the jurisdiction of the Commission."¹³ The Court further directed the Commission to consider such allegations.¹⁴ Accordingly, the Court of Appeals vacated and remanded Opinion Nos. 681 and 681-A to be reconsidered in light of *Conway*.

Discussion

As noted above, the Court of Appeals in its decision suggested that this might well be a case in which the interest of administration and justice would be best served through a settlement between the parties. The Commission, therefore, deferred consideration of this matter in order to allow the parties to pursue a settlement. To date, however, no settlement has been reached nor appears to be likely.

The Commission is thus faced with the question of whether the matter should be referred to an administrative law judge for hearing. Frankly, we are

deeply disturbed by the idea that this case, which involves a relatively small sum of money¹⁵ related to a ten-month locked-in period in 1971, may need to be remanded for further hearing. Indeed, we feel that such a remand could produce a result that is contrary to the public interest if the costs associated with further litigation in the end exceed the amount at issue, which it appears may well be the case.¹⁶ Moreover, since this matter involves a locked-in period in 1971, it has no effect on present rates or on the present competitive situation. It should also be noted that the same parties have since litigated the price squeeze question as it relates to a later time period in the proceedings decided by Opinion Nos. 63 and 63-A. Thus, they have had a vehicle for arguing legal principles related to the price squeeze question.

In these circumstances a question arises as to whether a further hearing is certain to promote the public interest. Hence, we think it our duty to explore ways and means of avoiding such a hearing. Accordingly, we ask the parties' representatives to participate in an oral exploration of the present status of the matter and of its appropriate resolution before this Commission or a designated Commissioner on March 9, 1981.

Specifically, we request that the parties address the following questions:

- (1) Are there disputed legal or factual questions which cannot be resolved on the basis of the record as it stands in this proceeding?
- (2) If so, what are they?
- (3) If so, was any party precluded from entering such information into evidence in the original proceeding?
- (4) If a settlement order were to stipulate that it resolved no legal or factual questions involved in the proceeding but was strictly a dollar settlement based on the recognition by both parties that litigation costs for each party are likely to exceed the amount at issue, does any party assert that its interests would be prejudiced by such a settlement?
- (5) Would any party (as distinguished from any attorney for a party) derive any discernible benefit from renewed full-dress litigation?¹⁷

The Commission orders:

¹⁵The presiding administrative law judge found the amount involved to be approximately \$71,000. See 51 F.P.C. 88.

¹⁶Legal fees alone may quickly reach this amount, and the costs of the proceedings will be passed on to Commonwealth's customers in the form of regulatory expense.

¹⁷In no way do we intimate any opinion on the merits. They are not now before us.

⁹The complaint in Docket No. IN-989 was filed by the City of Geneva, Illinois, while the complaint in Docket No. IN-991 was filed by the City of Batavia, Illinois. It should also be noted that the distinction between formal and informal complaints was eliminated by the FPC in Order No. 359, 39 F.P.C. 138 (1968).

¹⁰51 F.P.C. 97.

¹¹On December 13, 1971, the Illinois Commerce Commission raised the Rate 6 charge, Commonwealth's rate to large industrial customers, to a rate above or equal to the proposed rates to the Cities, thus creating a locked-in period for the purposes of considering the discrimination claims against the wholesale rate.

¹²*Supra*.

¹³*Id.*, 428 U.S. at 272-3.

¹⁴*Id.*, 428 U.S. at 279.

(A) The parties to this proceeding are hereby asked to attend an oral argument before this Commission or a designated Commissioner on March 9, 1981, at 10:00 a.m. in Hearing Room A to participate in a discussion of the present status of this proceeding and of its appropriate resolution.

(B) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7205 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-95-M

[Docket No. CP81-188-000]

**Consolidated Gas Supply Corp.;
Application**

March 2, 1981.

Take notice that on February 10, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-188-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for direct sale to Niagara Mohawk Power Corporation (Niagara), 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 December 24, 1980, gas sales and transportation agreement with Niagara, an existing resale customer, which provides for the direct sale of natural gas for the purpose of supplanting middle distillates and/or residual fuel oil presently used by Niagara in the generation of electric energy at its Albany Steam Plant, Albany, New York. Applicant asserts that it would sell and transport an average daily quantity of approximately 65,000 dekatherms (dt) equivalent but in no event more than 5,208 dt equivalent per hour on an interruptible service schedule. It is stated that the sale would be subordinate to Applicant's present market requirements and previously executed surplus gas sales agreements with other customers. Applicant states that the term would be thirty months from the date of initial deliveries which would not begin before April 1, 1981, and would not extend beyond November 1, 1983.

Applicant maintains that it would charge Niagara its RQ commodity rate, including all adjustments, as specified in its Rate Schedule RQ, Volume No. 1 to its FERC Gas Tariff which is currently

\$2.6574. It is further asserted that if the RQ commodity rate equals or exceeds Niagara's available alternate fuel rate it may cancel the agreement on sixty days written notice.

Applicant states that the point of delivery for Niagara would be at an existing interconnection located in Albany, New York, and that no additional facilities need be constructed by Applicant in order to effectuate the proposed transportation and direct sale.

Applicant further states that natural gas has not previously been utilized in the Albany Steam Plant but that the plant is exempt from the provisions of the Fuel Use Act and therefore no certificate of eligible use need be obtained from the Economic Regulatory Administration before utilizing natural gas as a fuel in the Albany plant.

Applicant asserts that the proposed transportation would give it added market flexibility to avoid any take-or-pay penalties that might otherwise be imposed by producers or pipeline suppliers and would permit it to continue to be aggressive in securing additional long-term supplies for the benefit of its present and future firm resale customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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. 81-7186 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-95-M

[Project No. 3659-000 and Project No. 3974-000]

**Continental Hydro Corp. and
Enagenics; Applications for
Preliminary Permits**

March 2, 1981.

Take notice that Continental Hydro Corporation (CHC) and Enagenics (Applicants) filed, respectively, on November 4, 1980, and January 12, 1981, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 3659 and 3974 to be known as Kentucky River Lock and Dam No. 11 located on the Kentucky River in Estill and Madison Counties, Kentucky. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants 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, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Descriptions—Applicants would utilize an existing dam owned by the U.S. Army Corps of Engineers. Applicant's facilities would be located mostly on U.S. lands.

The proposed CHC Project No. 3659 would consist of: (1) a proposed powerhouse, located at the north end of the existing dam, with generating units having a total installed capacity of 3.5 MW; (2) proposed 138 kV transmission lines; and (3) appurtenant facilities. The estimated average annual energy output for the project would be 14,000 MWh.

The proposed Enagenics Project No. 3974 would consist of: (1) a proposed powerhouse, located at the north end of the dam, with generating units having a total installed capacity of 4.5 MW; (2) proposed 161 kV transmission lines; and (3) appurtenant facilities. The estimated

average annual energy output for the project would be 33,500 MWh.

Purpose of Projects—Power generated by Continental Hydro Corporation, Project No. 3659 and Enagenics, Project No. 3974 would be sold to Kentucky Utility 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 perform engineering, environmental, and economic feasibility studies, consult with Federal, State, and local government agencies concerning the potential environmental effects of the projects, apply for DOE funding, and prepare an application for FERC license. CHC estimates the cost of the studies under the permit would be approximately \$55,000, and Enagenics estimates the cost to be approximately \$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—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this

application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3659 and 3974. 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. 81-7211 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP81-34-000]

**Distrigas of Massachusetts Corp;
Order Accepting for Filing and
Suspending Tariff Sheets, Rejecting
Tariff Sheets, Initiating Hearing and
Establishing Procedures**

Issued: February 28, 1981.

On January 29, 1981, Distrigas of Massachusetts Corporation (DOMAC) filed revised tariff sheets to the First Revised Volume No. 1 of its FERC Gas Tariff.¹ The proposed increase is based on a 12 month base period ending September 30, 1980, adjusted for known and measurable changes through the nine months ending June 30, 1981. The proposed rate changes reflect a dollar increase in rates of \$2,682,225 annually.

DOMAC is the operator of an LNG terminal at Everett, Massachusetts, and is the sole customer of Distrigas Corporation (Distrigas). Distrigas is an importer of LNG. DOMAC buys gas from Distrigas and sells the gas processed through its Everett facility to customers under its Rate Schedules GS-1 and BO-1. DOMAC also provides terminalling service under its Rate Schedule TS-1 and storage service under Rate Schedule SS-1. The changes proposed by DOMAC in its filing in this docket reflect an increase in rates and a change in rate form for service under Rate Schedule TS-1. No change in rate is proposed for Rate Schedules GS-1, BO-1, or SS-1.

DOMAC requests a 14.76 percent overall rate of return. The 14.76 percent rate of return provides an allowance of 18.00 percent return on common equity which constitutes 67.59% of capitalization.

Several reasons are given by DOMAC for the proposed changes in its tariff. The increase in rates is represented as necessary to eliminate indicated revenue deficiencies of approximately \$2,684,772. Significant factors contributing to the increase include delivery problems and uncertainty associated with the liquefaction facilities in Algeria as well as increased costs of doing business, including the cost of capital. The cost of service contained in DOMAC's filing reflects increases in the unit cost of terminalling services.

DOMAC also proposes a change in rate form from its straight commodity tiered rates to two part rates reflecting the *United* method of cost classification.

Boston Gas Company and Bay State Gas Company, *et al.* have each filed Petitions to Intervene and Protest. Each of these protestants indicate general objections to the amount of the rate increase and to the proposed change in rate design. Each protestant requests that the proposed rate increase be

¹ The tariff sheets which are the subject of this rate filing include Fifth Revised Sheet No. 17, Alternate Fifth Revised Sheet No. 17, Original Sheet No. 17A, Alternate Original Sheet No. 17A, Fourth Revised Sheet No. 18, Alternate Fourth Revised Sheet No. 18, First Revised Sheet No. 19 and First Revised Sheet No. 45.

suspended for five months and set for hearing. Having demonstrated an interest in this proceeding, Boston Gas¹ and Bay State, *et al.*'s petitions to intervene are granted.

Based on a review of DOMAC's filing, the Commission finds that the proposed tariff revisions have not been shown to be just and reasonable and may be unjust, unreasonable and unduly discriminatory or otherwise unlawful. Accordingly, we will accept the revised tariff sheets for filing, and suspend their effectiveness, subject to refund, and to the conditions set forth below.

In a number of suspension orders,² the Commission has addressed the considerations underlying its policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where the preliminary study leads the Commission to believe that the filing may be unjust or unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here with respect to the tariff sheets for the DOMAC system. Accordingly, subject to the conditions specified below, we shall suspend the DOMAC tariff sheets for a period of five months permitting such rates to become effective, subject to refund thereafter, on August 2, 1981.

Two issues present in this rate filing contain common questions of law or fact with DOMAC's prior rate filing in Docket No. RP79-23 *et al.* These two issues are the treatment of demurrage cost and the proper method of interperiod tax allocation.

In Docket No. RP9-23 *et al.*, demurrage cost was treated as a gas supply expense to be recovered under DOMAC's PGA provision. This prior filing is pending decision by the Presiding Administrative Law Judge. DOMAC's proposed Fifth Revised Sheet No. 17, Original Sheet No. 17A and Fourth Revised Sheet No. 18 filed in this docket exclude the cost of demurrage. The cost for demurrage would be recovered as a gas supply expense. DOMAC has also filed alternate tariff sheets to effect recovery of demurrage costs on an estimated basis from its Rate Schedule TS-1 in the event that the Commission determines that the

demurrage costs of Distrigas may not be recovered on an actual cost basis through DOMAC's PGA provision. Based on the foregoing determination, DOMAC's alternate tariff sheets, which include demurrage costs, are rejected. In order to protect consumers from a potential double incurrence of demurrage charges in the event the Commission makes the determination in Docket No. RP79-23 *et al.* that demurrage charges should be included under the TS-1 Rate Schedule and not collected as a purchased gas expense, DOMAC's Fifth Revised Sheet No. 17, Original Sheet No. 17A and Fourth Revised Sheet No. 18 are accepted, suspended, subject to refund, and subject to final Commission action in Docket No. RP79-23 *et al.*

Accordingly, Alternate Fifth Revised Sheet No. 17, Alternate Original Sheet No. 17A and Alternate Fourth Revised Sheet No. 18 are rejected.

The issue of the level of unfunded future tax liability under comprehensive interperiod allocation of income taxes which appears in demurrage filing in this docket is also at issue in DOMAC's prior rate filing. Since no changed circumstances have been shown in DOMAC's filing, the determination of this issue will be made subject to final Commission action in Docket No. RP79-23 *et al.*

Further, on February 20, 1981, the Brooklyn Union Gas Company (Brooklyn Union) filed a Petition to Intervene as a Party and Motion for Partial Summary Rejection of Proposed Tariff Changes. Brooklyn Union is a customer of DOMAC and purchases liquefied natural gas (LNG) and LNG terminalling service from DOMAC under its Rate Schedule GS-1 and TS-1. Brooklyn Union asserts "that certain aspects of DOMAC's filing in this proceeding are patently unjust and unreasonable and as such are susceptible to summary rejection by the Commission." Specifically, Brooklyn Union alleges that certain aspects of the filing are prescribed by a prior settlement agreement between DOMAC and its customers.³

Brooklyn Union's petition to intervene shall be granted. No action will be taken on the motion for partial summary rejection, however, because the time for answers to the motion prescribed by § 1.12(c) of the Commission's Rules of

Practice and Procedure (18 CFR 1.12(c)) has not yet expired.

The Commission Orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and to the Commission's Regulations, a public hearing shall be held concerning the lawfulness of the revised tariff sheets proposed by DOMAC.

(B) Pending hearing and decision, Fifth Revised Tariff Sheet No. 17, Original Tariff Sheet No. 17A, Fourth Revised Tariff Sheet No. 18, First Revised Tariff Sheet No. 19 and First Revised Tariff Sheet No. 45 are accepted for filing and suspended for five months until August 2, 1981, when they shall be permitted to become effective, subject to refund.

(C) Acceptance of Fifth Revised Tariff Sheet No. 17, Original Tariff Sheet No. 17A and Fourth Revised Tariff Sheet No. 18 is made subject to final Commission action in Docket No. RP79-23 *et al.*

(D) Determination of the interperiod tax allocation issue shall be subject to final Commission determination of that issue in Docket No. RP79-23 *et al.*

(E) DOMAC's proposed Alternate Fifth Revised Tariff Sheet No. 17, Alternate Original Tariff Sheet No. 17A, and Alternate Fourth Revised Tariff Sheet No. 18 are rejected.

(F) The petitions to intervene filed by Brooklyn Union Gas Company, Boston Gas Company and Bay State, *et al.* shall be granted and the petitioners shall be permitted to intervene in this proceeding subject to the Commission's rules and regulations; *Provided, however*, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *provided, further*, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceedings.

(G) The Commission Staff shall prepare and serve top sheets on all parties on or before June 1, 1981.

(H) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule

¹ *E.g.*, Valley Gas Transmission, Inc., Docket No. RP80-98 (August 22, 1980) (one day suspension); Great Lakes Gas Transmission Company, Docket No. RP80-134 (September 24, 1980) (five month suspension).

³ Approved by the Commission in *Distrigas of Massachusetts Corporation*, Docket No. CP77-218; *Distrigas Corporation*, Docket Nos. CP77-217 and CP77-218, Order Authorizing Construction and Operation of Liquefied Natural Gas Facilities and Sale of LNG From Algeria, issued December 28, 1978.

upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the Rules of Practice and Procedure.

By the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7195 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-95-M

[Project No. 3972-000]

Enagenics; Application for Preliminary Permit

March 2, 1981.

Take notice that Enagenics (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3972 to be known as the R. D. Bailey Project located on the Guyandotte River in Wyoming County, West Virginia. 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' R. D. Bailey Dam and Reservoir and would consist of: (1) a penstock utilizing the existing outlet works tunnel near the left bank; (2) a new powerhouse containing generating units having a total rated capacity of 21,000 Kw; (3) a tailrace; (4) a new transmission line, approximately 5 miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 38,300,000 Kwh.

Purpose of Project—Project energy would be sold to the Appalachian Power Company. Other alternative markets, such as nearby public institutions and industrial users, will be investigated.

Purpose Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be \$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 West Virginia Renewable Resources Corporation's application for Project No. 3415 filed on September 2, 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 March 26, 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. 3972. 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. 81-7212 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-95-M

[Project No. 3989-000]

Enagenics; Application for Preliminary Permit

March 2, 1981.

Take notice that Enagenics (Applicant) filed on January 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3989 to be known as Savage Rapids Diversion Dam Hydroelectric Project located on Rogue River in Jackson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. 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 consist of: (a) the existing Savage Rapids Concrete Dam (combination gravity and multiple arch type), 456 feet long and 39 feet high; (b) the existing Savage Rapids Reservoir with a surface area of 50 acres at elevation 964 feet m.s.l.; (c) a powerhouse at the dam containing a single generating unit with a rated capacity of 9.2MW; and (d) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 40 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 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 design surveys, and preparing designs is estimated by the Applicant to be \$50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right 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 Pacific Northwest Generating Company, Oregon Public Power Agency and Grant Pass Irrigation District's Project No. 3469 on the Rogue River in Josephine and Jackson Counties, Oregon under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest

may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 30, 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. 3989. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., 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. 81-7213 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-95-M

[Docket No. TC81-19-000]

Florida Department of Corrections; Application

March 2, 1981.

Take notice that on December 23, 1980, the Florida Department of Corrections, 1311 Winewood Boulevard, Tallahassee, Florida 32261, filed an application pursuant to Section 2.78(b) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission seeking relief from curtailment imposed by the Florida Gas Transmission Company. The relief sought encompasses the dormitory heating and cooking portion of natural gas demands of the Florida Department of Corrections' Union Correctional Institution, Raiford, Florida, and the Florida State Prison, Starke, Florida.

The relief sought is for an additional firm entitlement of 150,000 therms equivalent of natural gas for exclusive use as residential gas service for the months of November and December 1980.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7208 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-95-M

[Docket No. CP81-182-000]

Great Lakes Gas Transmission Co.; Application

March 2, 1981.

Take notice that on February 6, 1981, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP81-182-000 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 32.9 miles of 36-inch pipeline loop on its existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authorization to construct and operate 32.9 miles of 36-inch pipeline loop in Minnesota and Michigan which would be added parallel to Applicant's existing pipeline system used to render natural gas service to its interstate and foreign customers. Applicant proposes to construct the loop in two segments; one consisting of 15.7 miles constructed from mile post 33.4 to mile post 49.1 which is between Applicant's existing compressor station Nos. 1 and 2 at St. Vincent and Thief River Falls, Minnesota, respectively; the other consisting of 17.2 miles extending from mile post 416.2 mile post 433.4 which is

between Applicant's existing compressor station Nos. 7 and 8 at Wakefield and Crystal Falls, Michigan, respectively.

Applicant estimates that the total cost of the proposed loop would be \$22,111,000 which would be financed with internally generated funds together with short-term borrowings from banks if required.

Applicant asserts that the addition of the proposed loop on its system would result in fuel savings of approximately 12,000,000 Mcf of gas over the next years and would provide added security on Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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. 81-7187 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3869-000]

Jorges Sanchez; Application for Preliminary Permit

March 2, 1981.

Take notice that Jorges Sanchez (Applicant) submitted on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3869 to be known as Structure 65 D located at the South Florida Water Management District Structure 65 D on Kissimmee—Canal 38 in Okeechobee County, Okeechobee, Florida. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jorges Sanchez, 239 Southland Road, Palm Beach, Florida 33480. 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 South Florida Water Management District Structure 65 D used for irrigation, flood control and navigational purposes. Project No. 3869 would consist of: (1) an existing reinforced concrete rigid frame lock, which measures 30 feet × 90 feet, with a normal lift of 5.8 feet and a sill depth of 6 feet; (2) a proposed powerhouse to be located on the southern bank of the canal, with an estimated generating capacity of 2.8 MW; (3) a proposed penstock approximately 30 to 40 feet in length; (4) a proposed transmission line to be interconnected with the facilities owned by Florida Power and Light Company; (5) an existing impoundment area, Canal 38, which has a normal pool elevation of 26.8 feet and a drainage of 2,879 square miles at the site; and (6) appurtenant facilities. The proposed project is not located on Federal lands.

The Applicant estimates that the average annual energy output would be 8,100,000 kWh.

Purpose of Project—The Applicant intends to sell the generated output of energy to the Florida Power and Light Company, 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 studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies

for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be \$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—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or

petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3869. 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. 81-7214 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3851-000]

Jorges Sanchez; Application for Preliminary Permit

March 2, 1981.

Take notice that Jorges Sanchez (Applicant) filed on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3851 to be known as Structure 65 E located at the South Florida Water Management District Structure 65 E on Kissimmee Canal 38 in Okeechobee County, Okeechobee, Florida. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jorges Sanchez, 239 Southland Road, Palm Beach, Florida 33480. 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 South Florida Water Management District Structure 65

E used for irrigation, flood control and navigational purposes. Project No. 3851 would consist of: (1) an existing earth and sand foundation reinforced concrete rigid frame lock, which measure 30 feet x 90 feet, with a normal lift of 4.6 feet and a sill depth of 6 feet; (2) a proposed powerhouse to be located on the eastern bank of the canal with an estimated capacity of 2.35 MW; (3) a proposed penstock approximately 35 feet; (4) proposed transmission lines to be interconnected with facilities owned by the Florida Power and Light Company; (5) an existing impoundment area, Canal 38, which has a normal pool elevation of approximately 21 feet and a drainage area of 2,960 square miles; and (6) appurtenant facilities. The proposed project is not located on Federal lands.

The Applicant estimates that the average annual energy output would be approximately 7,000,000 kWh.

Purpose of Project—The Applicant intends to sell the generated output of energy to Florida Power and Light Company, 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 studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be \$47,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be

made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding.

To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3851. 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. 81-7215 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-467-001]

**Michigan Wisconsin Pipe Line Co.;
Amendment to Application**

March 2, 1981.

Take notice that on February 4, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-467-001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect modifications in Applicant's transportation arrangements with Natural Gas Pipeline Company of America (Natural), Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and Texas Eastern Transmission Corporation (Texas Eastern), incident to a sale of Canadian natural gas by ProGas Limited (ProGas), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that Natural has agreed to have its ProGas volumes transported via the pipeline system of Northern Border Pipeline Company (Northern Border) and asserts that in the event that Northern Border is not available on November 1, 1982, such ProGas volumes would be made available for Natural's account at a point of delivery on the international boundary at Emerson, Manitoba, where deliveries would be made to Great Lakes Gas Transmission Company (Great Lakes). Applicant further states that it has agreed with Tennessee and Texas Eastern to make available to Natural a portion of the capacity which each has reserved in the pipeline system of Great Lakes; whereupon redeliveries of such gas by Great Lakes would be made to Applicant for the account of Natural at an existing point of interconnection between the pipeline systems of Great Lakes and Applicant proximate Farwell, Michigan.

Applicant also states that it has agreed to provide Natural with additional transportation from Farwell, Michigan, to various existing points of interconnection between Natural and Applicant and submits that under such

agreement it would take receipt of a maximum daily quantity of up to 75,000 Mcf of gas per day from Great Lakes for the account of Natural at the Farwell delivery point, provide transportation and make redeliveries of thermally equivalent quantities at the following existing interconnections: (1) Section 29 of Troy Township, Will County, Illinois (West Joliet); (2) Section 1, Block A.B. & M, Wheeler County, Texas (Mills Ranch); (3) Section 32, T & N.O.R.R., Block 4-T, Hansford County, Texas (Hansford). It is submitted that Applicant would charge Natural a rate of 5.5 cents for each Mcf redelivered.

Applicant states that it has also entered into a new transportation agreement with Tennessee under which it would take receipt of up to 75,000 Mcf of natural gas per day delivered to the Farwell receipt point by Great Lakes for Tennessee's account, provide transportation, and make redeliveries of thermally equivalent volumes to Midwestern Gas Transmission Company (Midwestern) for the account of Tennessee at a point of interconnection between the pipeline systems of Applicant and Midwestern located in Section 3 of Channahon Township, Will County, Illinois. It is further stated that Applicant would charge Tennessee a monthly demand rate of \$3.43 per Mcf for each Mcf received.

Applicant states that it has also agreed to take receipt of up to 75,000 Mcf of natural gas per day from Great Lakes at the Farwell receipt point for Texas Eastern's account, provide transportation, and make redeliveries of thermally equivalent volumes to Texas Eastern at a proposed point of interconnection between the pipeline systems of Applicant and Texas Eastern located near French Lick, Dubois County, Indiana. Under such agreement, it is submitted, Texas Eastern would pay Applicant a monthly demand charge of \$2.57 per Mcf for each Mcf received. In order to effectuate the aforementioned agreements, Applicant proposes to (1) construct and operate a new interconnection at the French Lick point comprised of suitable metering facilities and associated appurtenances; (2) construct and operate additional metering facilities at its aforementioned interconnections with Midwestern and Great Lakes; (3) construct and operate an aggregate of 12.6 miles of 42-inch diameter pipeline loop in Michigan and Indiana.

Applicant estimates the total cost of all proposed facilities to be \$16,672,740 which would be financed initially with treasury funds, retained earnings and

other funds generated internally, together with borrowings from banks under short-term lines of credit as required.

The purpose of the instant amendment is to implement revised transportation agreements with Tennessee, Texas Eastern and Natural, which reflect the modifications of and amendments to the purchasers' agreements with the seller of the Canadian gas, ProGas. ProGas' application is pending in Docket No. CP79-332.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 23, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7168 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3700-000]

**Mitchell Energy Co., Inc.; Application
for Preliminary Permit**

March 2, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 7, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3700 to be known as Allegheny Lock and Dam No. 7 Hydro Project located on the Allegheny River in Armstrong 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. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. 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' Allegheny Lock and Dam No. 7 and would consist of: (1) new penstocks near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 18,900 kW; (3) a tailrace; and (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 99,338,000 kWh.

Purpose of Project—Project energy would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would 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 pre-empted to have no comments.

Competing Applications—This application was filed as a competing application to Noah Corporation's application for Project No. 3494 filed on September 23, 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 protests 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 March 30, 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. 3700. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., 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. 81-7196 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3872-000]

**Montana Renewable Resources, Inc.;
Application for Preliminary Permit**

March 2, 1981.

Take notice that Montana Renewable Resources, Inc. (Applicant) filed on December 16, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3872 to be known as Gibson and Sun River Diversion Dams located at the Department of Interior, Water and Power Resources Service's Gibson and

Sun River Diversion Dams on the Sun River in Teton, Lewis, and Clark Counties, Augusta, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jeffrey M. Kossak and Edward H. Curland, Montana Renewable Resources, Inc., Suite 1900, 14 Wall Street, New York, New York 10005. 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 Department of Interior, Water and Power Resources Service's dams. Project No. 3872 would consist of: (1) a proposed powerhouse, penstock and tailrace at each dam. The powerhouse at the Gibson Dam will have a proposed installed generating capacity of 5.37 MW and an average annual energy output of 26,020,000 kWh. The powerhouse at the Sun River Diversion Dam will have a proposed installed generating capacity of 3.54 MW and an average annual energy output of 17,040,000 kWh; (2) a proposed 18 mile 69-kV transmission line to tie into the existing 69-kV transmission system owned by Sun River Electric Company; and (3) appurtenant facilities.

The proposed project is located on Federal lands.

Purpose of Project—The Applicant intends to sell the power to a public or private utility company and negotiate with Montana Power 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 studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be \$105,500.

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: (1) Mitchell Energy Company Inc. Project No. 3693 at the Gibson Dam Project on the Sun River in Teton County, Gilman, Montana; (2) Cook Electric Company, Project No. 3775 at the Sun River Diversion Dam Project on the Sun River in Lewis and Clark Counties, near the township of Augusta, Montana; (3) Enagenics Project No. 3792 at the Sun River Diversion Dam Project on the Sun River in Lewis and Clark Counties, near the township of Augusta, Montana.

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 March 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. 372. 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. 81-7218 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP76-492]

National Fuel Gas Supply Corp. and Penn-York Energy Corp.; Amendment to Application

March 2, 1981.

Take notice that on February 13, 1981, National Fuel Gas Supply Corporation (National), 308 Seneca Street, Oil City, Pennsylvania 16301, and Penn-York Energy Corporation (Penn-York), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP 76-492 an amendment to their pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect a new storage service rate and the imposition of a surcharge on the storage service rendered by Penn-York, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that they requested in an amended application authorization for Penn-York to provide natural gas service to identified storage customers according to revised service schedules during a period beginning April 1, 1981, and for National to render limited term and standby storage service through existing facilities to Penn-York during a similar period. Applicants propose herein for Penn-York to render service at a new rate of \$1.1806 per Mcf of annual storage quantity. It is stated that the new rate would apply to 15,871,620 Mcf of certificated storage service beginning April 1, 1981, upon termination of 9,150,000 Mcf of existing service rendered under a temporary certificate expiring March 31, 1981. Applicants state that the rate applicable to the existing service has been \$1.0753

per Mcf and that the new rate is based upon a three year development period (April 1, 1980, through March 31, 1983), instead of the two year development period (April 1, 1980, through March 31, 1982), which was used in determining the existing rate. Applicants further state that the new rate would be in effect during the storage years beginning April 1, 1981, and April 1, 1982, and that Penn-York would later file for changed rates to be effective beginning April 1, 1983, based upon experience during the development period. It is stated that the development period has been extended to three years because development schedules have been slowed by delayed receipt of regulatory approvals and full service levels of the facilities under development may not be achieved prior to the April 1, 1983, storage year when long term rates are expected to be initiated. Applicants assert that for the purpose of calculating the new rate it has been assumed that 15,871,620 Mcf of service would be rendered in the storage year beginning April 1, 1981, and that 19,261,620 Mcf of service would be rendered in the storage year beginning April 1, 1982. It is stated that in the event Penn-York is unable to increase its certificated storage service it would be necessary to increase the rate to be charged beginning April 1, 1982, in order to collect fully the remaining unrecovered cost of service incurred during the three year development period or in the alternative Applicant proposes to charge a rate of \$1.2998 per Mcf over the full three year period.

Applicants state that by their original application, Penn-York proposed to initiate a development period surcharge to recover the cost of obtaining unanticipated supplemental service from third parties necessary to achieve certificated storage service levels greater than available through Penn-York's own facilities which would be in effect until the first year of operations of additional proposed storage facilities. It is stated that for the past several years, National has rendered limited term storage service to Penn-York or its customers pending completion of Penn-York's facilities and that the cost to Penn-York of obtaining such service for the benefit of its customers has been included in Penn-York's cost of service to the extent required supplemental capacity through National has been anticipated. Applicants state that in Penn-York's new rate submitted herein charges by National would be at a rate of 40.77 cents per Mcf which is the rate National previously charged and that such rate would be reflected to the extent of the 8,471,620 Mcf storage

capacity anticipated to be required to supplement capacity in Penn-York's own facilities during the April 1, 1981, storage year. It is stated that the amount of such supplemental capacity thus reflected in Penn-York's cost of service has been determined on the basis of engineering estimates. Applicants herein propose to continue the development period surcharge until Penn-York's facilities are certificated for long-term operation and the provision is proposed for inclusion in Penn-York's tariff at this time because National is seeking authorization for standby service against the possibility that engineering estimates of required supplemental capacity for Penn-York may require revision. It is stated that the provisions of the development period surcharge are worded in general terms to allow for the possibility that National or others may be called upon to render service other than that to be rendered on a standby storage service agreement.

Applicants also state that paragraph 4 of Rate Schedule SS-1 has been changed in the First and Second Alternate First Revised Sheets No. 7(i) to refer to the preceding provision at "Paragraph 3" instead of "Section 3" in order to be consistent with parallel cross citations in the tariff and (ii) to allow for recovery of the total annual storage charge under conditions of delayed commencement of service not only in the contract year when the customer first receives service but also when a new contract is executed as a result of "new or revised authorization" by the Commission. Applicants further assert that the second paragraph of Article IV of the Form of Underground Storage Service Agreement appearing on Original Sheet No. 45 is deleted on First Revised Sheet No. 45 because it is no longer relevant and that the unfulfilled condition referred to herein which gave meaning to the paragraph (operation of facilities contemplated in Docket No. CP77-644) has now occurred.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 23, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7207 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-70-000 and ER81-71-000]

New England Power Co.; Order Denying Application for Rehearing

Issued: February 27, 1981.

On January 28, 1981, New England Power Company (NEP) filed an application for rehearing of the Commission's order issued December 30, 1980, in Docket Nos. ER81-70-000 and ER81-71-000. In its December 30 order, the Commission accepted NEP's proposed rates for filing, suspended the proposed W-3 rates (for primary and contract demand customers) for five months, and suspended the proposed W-3(C) rates (based solely on the costs associated with the conversion to coal of three oil-fired generating units) for only one day. The order also granted summary disposition of the following issues: (1) NEP's inclusion of ADITC in the common equity component of its capitalization; (2) NEP's treatment of ADITC in computing a federal income tax allowance; and (3) NEP's inclusion of the unamortized investment in NEP Unit Nos. 1 and 2 in rate base.

In its application for rehearing, NEP asserts that in light of its historic inability to earn its allowed rate of return, its decreased load projections, and its load management and conservation efforts, the Commission's five-month suspension of its W-3 rates is arbitrary and capricious. Further, NEP states that the Commission's three summary dispositions are inappropriate because those issues are now before the United States Court of Appeals for the District of Columbia Circuit in *New England Power Company v. FERC*, Docket Nos. 80-1343, *et al.* NEP states that those issues were included in this docket only to preserve its position pending appeal.

Discussion

NEP has alleged a number of circumstances which it believes warrant a one-day suspension of its proposed W-3 rates. We disagree. With regard to NEP's alleged inability to earn its allowed rate of return, the Commission has explained that factors relating to a company's financial condition are considered in the preliminary rate of

return analysis performed by the Commission in determining whether the filing complies with statutory standards, but that such factors will not serve as an independent basis for determining the appropriate suspension period in the absence of a "clear emergency."¹ Likewise, NEP's decreased load projection is not itself a basis for modifying an otherwise appropriate suspension period. With respect to load management and conservation efforts, the Commission believes that all utilities should be pursuing load management and conservation goals and that appropriate incentive rewards for exceptional efforts towards these goals might be considered in a subsequent evidentiary hearing. However, the five-month suspension period was based on a preliminary determination that the rates filed by NEP may be excessive and therefore unlawful. This determination is unchanged by the company's general management policies, however commendable.

The three summary dispositions to which NEP objects are consistent with the action taken by the Commission in NEP's prior W-2 rate filing in Docket Nos. ER80-66, *et al.* Summary disposition of those issues is appropriate notwithstanding NEP's pending appeal. For the foregoing reasons NEP's application for rehearing will be denied.

The Commission Orders:

(A) NEP's application for rehearing is hereby denied.

(B) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7208 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-186-000]

Northwest Pipeline Corp.; Application

March 2, 1981.

Take notice that on February 10, 1981, Northwest Pipeline Corporation (Applicant), 315 East Second Street South, Salt Lake City, Utah 84111, filed in Docket No. CP81-186-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing certain modifications to its Goldendale compressor station in Klickitat County, Washington, all as more fully set forth in the application

¹ *Public Service Company of Colorado*, Docket No. ER80-447, order issued September 15, 1980.

which is on file with the Commission and open to public inspection.

Applicant proposes herein to install the suction and discharge piping necessary to permit the Goldendale compressor station to operate in a manner that will permit compression in a westerly flow of gas as well as in an easterly flow through the station as operational requirements dictate. Applicant states that the subject compressor station is situated approximately half-way between Applicant's Washougal compressor station in Clark County, Washington, to the west and the Plymouth compressor station in Benton County, Washington, to the east. It is asserted that at the time the Goldendale compressor station was placed in operation the flow on Applicant's system in that section of its main transmission system was west from the Washougal station toward the Plymouth station. Applicant asserts that the present flow in that section of the mainline has become seasonally affected in that it has become necessary to occasionally move supplies from the south through the Plymouth station westward toward the Washougal station. It is stated that the proposed revision would provide Applicant with increased operating flexibility in the management of its total gas supply.

Applicant submits that the repiping proposed herein would increase the capacity of Applicant's main transmission system to flow gas west by an estimated 70,000 Mcf per day. Applicant estimates the cost of the proposed piping and valves to be \$301,000 which would be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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. 81-7189 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-95-M

[Project No. 3169-001]

Plains Electric Generation and Transmission Coop., Inc.; Application for Preliminary Permit

March 2, 1981

Take notice that Plains Electric Generation and Transmission Cooperative, Inc. (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. 3169 to be known as the Abiquiu Project located on the Rio Chama in Rio Arriba County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stanley K. Bazant, Executive Vice President/General Manager, Plains Electric Generation and Transmission Cooperative, Inc., 2401 Aztec Road, N.E., Albuquerque, New Mexico 87107. 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' Abiquiu Dam and would consist of: (1) a trash rack; (2) a steel tunnel liner; (3) a wye branch and 12-foot diameter butterfly valve; (4) a power conduit; (5) a powerhouse containing a generating unit having a rated capacity of 12,000 kW; (6) a short tailrace; (7) a substation; (8) a 1,500-foot long 69 kV transmission line; and (9) appurtenant facilities. The Applicant estimates that the average annual energy output would be 35,000 kWh.

Purpose of Project—The power generated from the project would be fed into Applicant's existing transmission system for eventual distribution and resale by its member cooperatives.

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 prepare studies of the technical, economic, financial, and environmental 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 \$275,000.

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 that of Western States Energy & Resources, Inc.'s Project No. 3439 filed on September 5, 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 March 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3169. 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. 81-7217 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3906-000]

Richard L. Bean and Fred G. Castagna, General Partnership; Application for Preliminary Permit

March 2, 1981.

Take notice that Richard L. Bean and Fred G. Castagna, General Partnership (Applicant) filed on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3906 to be known as Hydro-Genics No. 1 Power Project located on Canyon Creek in Shasta County, near Burney, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Richard L. Bean and Fred G. Castagna, 741 Baker Road, Redding, California 96003. Any person who wishes to file a response to this notice should read the entire notice

and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new diversion dam; (2) and approximately 4,200-foot long penstock; and (3) a powerhouse with a rated capacity of 1 MW. Applicant proposes to interconnect with an existing PG&E 12-kV transmission line. The Applicant estimates that the average annual energy output would be 8 million kWhs.

Purpose of Project—The application states that the Applicant has contacted potential power purchasers for the sale of the power.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks a preliminary permit for a period of 24 months during which it would conduct environmental, engineering, and economic studies to determine the feasibility of constructing and operating the proposed project. No new roads would be required for the purpose of conducting the above studies. Applicant estimates that the cost of the feasibility studies would be about \$90,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 30, 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 29, 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 30, 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. 3906. 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. 81-7218 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-194-000]**Sea Robin Pipeline Co.; Application**

March 2, 1981.

Take notice that on February 13, 1981, Sea Robin Pipeline Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-194-000 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 5.85 miles of 12-inch pipeline and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct such facilities from a point in South Marsh Island Block 113, extending in a southeasterly direction to a point of interconnection with its existing facilities located in South Marsh Island Block 128, offshore, Louisiana.

Applicant estimates that the construction cost of the proposed pipeline to be \$5,427,000 which would be financed by utilization of Applicant's general company funds and existing lines of credit with commercial lending institutions.

Applicant asserts that the proposed facilities are necessary to effectuate deliveries into its system of natural gas underlying South Marsh Island Blocks 112/113 Field which Applicant is negotiating to purchase from Conoco, Inc. and Cities Service Company. Applicant states that such deliveries are scheduled to begin October 1, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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. 81-7190 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M**[Docket No. RA81-45-000]****Southland Oil Co./VGS Corp.; Filing of Petition for Review Under 42 U.S.C. 7194**

March 2, 1981.

Take notice that Southland Oil Company/VGS Corporation on February 26, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before March 17, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before March 17, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025,

1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,*Secretary.*

[FR Doc. 81-7197 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M**[Docket No. CP81-183-000]****Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application**

March 2, 1981.

Take notice that on February 6, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-183-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Michigan Wisconsin Pipe Line Company (Mich-Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to the terms of a gas transportation agreement dated December 31, 1980, Applicant proposes to transport up to 5,000 Mcf of natural gas per day, less 2.84 percent retained for fuel and use requirements, for the account of Mich-Wis. It is asserted that Applicant would receive the subject gas at its existing pipeline facilities at Side Valve 523M-501 in Ship Shoal area, offshore, Louisiana, and deliver the gas to Mich-Wis at an existing point of interconnection at Lowry, Cameron Parish, Louisiana.

Applicant submits that deliveries would be made for a five-year term commencing on the date of initial delivery. Applicant proposed to charge Mich-Wis 10.28 cents per Mcf of natural gas with provision for a minimum monthly bill.

Applicant contends that the proposed service would obviate the need for Mich-Wis to construct and operate duplicate pipeline facilities. Applicant further avers that the proposed service would not impair any of its current pipeline services.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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 hearings 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. 81-7191 Filed 3-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-192-000]

**Texas Eastern Transmission Corp.;
Application**

March 2, 1981.

Take notice that on February 11, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-192-000 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 facilities for a new delivery point for the delivery of natural gas to National Gas & Oil Corporation (National), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an amended service agreement with National dated February 5, 1981, Applicant proposes herein to

construct and operate an additional delivery point to National in Butler County, Ohio. Such facilities would consist of a tap and a metering station and would cost \$153,400 which would be reimbursed by National, it is stated. It is asserted that the proposed delivery point is required by National to meet the process requirements of Miller Brewing Company (Miller), National's new customer.

Applicant states that it would deliver up to 2,544 dekatherms (dt) equivalent of natural gas per day to National for Miller's plant in Trenton, Ohio. It is asserted that such additional delivery quantities would not exceed Applicant's currently authorized delivery quantity of up to 22,655 dt equivalent per day to National under Applicant's Rate Schedules DCQ-C and I-C.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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. 81-7192 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-176-000]

**Texas Gas Transmission Corp.;
Application**

March 2, 1981.

Take notice that on February 4, 1981, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP81-176-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Texas Gas Exploration Corporation (Exploration), 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 agreement with Exploration dated January 7, 1981, Applicant proposes to transport on an interruptible basis up to 2,000 Mcf of natural gas and associated liquefiables per day, less 0.32 percent retained for compressor fuel and losses. It is stated that the subject gas would be received by Applicant at a point on its pipeline in Cameron Parish, Louisiana, and would be delivered to Exploration at existing interconnecting facilities in Acadia Parish, Louisiana.

Exploration would pay Applicant 7.64 cents per Mcf of natural gas and associated liquefiables transported, it is stated. Applicant submits that such a rate is in accordance with sheet No. 7-A of its FERC Gas Tariff, Third Revised - Volume No. 1.

Applicant avers that no new facilities would be required for the proposed service.

It is asserted that the proposed service would provide Exploration with fuel required in its petroleum processing unit at its liquid isomerization extraction plant near Eunice, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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. 81-7209 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3901-000 and Project No. 4000-000]

Township of Harmor, Pennsylvania and Pennsylvania Renewable Resources, Inc. and ENAGENICS; Application for Preliminary Permit

March 2, 1981.

Take notice that the Township of Harmor, Pennsylvania and Pennsylvania Renewable Resources, Inc. (HP), and ENAGENICS (EN) (Applicants) filed on December 30, 1980 and January 13, 1981, respectively, applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(tr)] for proposed Projects Nos. 3901 and 4000, respectively, to be known as the Allegheny Lock and Dam No. 3 Hydro Project located on the Allegheny River in Allegheny County, Pennsylvania. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Jeffrey M. Kossak or Mr. Edward Curland, Pennsylvania Renewable Resources, Inc., Suite 1900, 14 Wall Street, New York, New York 10005 (HP), and Mr.

Thomas H. Clarke, Jr., President, ENAGENICS, 1727 Q. Street, N.W. 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—Each proposed project would utilize the existing U. S. Army Corps of Engineers' Allegheny Lock and Dam No. 3 and would consist of: (1) new penstocks near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 25,500 Kw (HP) and 18,500 Kw (EN); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be 138,500,000 Kwh (HP) and 111,300,000 Kwh (EN).

Purpose of Project—Project energy would be sold to public utilities or to public institutions and industrial users.

Proposed Scope and Cost of Studies under Permit—Applicants each seek issuance of a preliminary permit for a period of three years, during which time they would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants would each prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be \$145,000 (HP) and \$50,000 (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—These applications were filed as competing applications to Atlantic Power Development Corporation's application for Project No. 3456 filed on September 9, 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 March 26, 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 Nos. 3901 and 4000. 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. 81-7219 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. TA81-1-29-002 (PGA81-1, 1PR81-1, DCA81-1 and LFUT81-1)]

Transcontinental Gas Pipeline Corp.; Order Accepting for Filing, Subject to Conditions, and Suspending Proposed Tariff Sheets, and Establishing Procedures

Issued: February 28, 1981.

On January 29, 1981, Transcontinental Gas Pipeline Corporation (Transco) filed revised tariff sheets¹ to reflect a purchase gas adjustment (PGA) increase of approximately \$273.6 million on a semi-annual basis. Such filing reflects (1) a 62.3 cents per dth increase in the commodity charge of Rate Schedules CO, G, OG, E, PS, S-2 and ACQ to track increases in the cost of purchased gas (\$255,964,981); (2) an increase of 3.1 cents per dth in the deferred surcharge of Rate Schedules CO, G, OG, E, PS, S-2 and ACQ to recoup underrecoveries of \$156,663,765. (3) a 0.3 cent per dth increase for curtailment related credits in Rate Schedules CO, G, OG, E, PS, S-2 and X-20 to recover \$354,474 in underrecoveries; and (4) an increase of 0.9 cent per dth in the Louisiana First Use Tax surcharge to recover an estimated balance of \$40,059,191. Transco requests an effective date of March 1, 1981.

Public notice of the filing was issued on February 3, 1981, providing for protests or petitions to intervene to be filed on or before February 18, 1981. Petitions to intervene were filed by those petitioners listed in Appendix A. Having demonstrated an interest in this proceeding warranting their participation, they shall be granted intervention. In addition, a joint notice of intervention was filed by the Public Service Commission for the State of New York and the North Carolina Utilities Commission (the State Commissions).

The State Commissions in their joint notice of intervention protests Transco's filing and request that it be suspended and set for hearing. Specifically, they allege that the Commission cannot find that the increased rates which would be made effective by the instant PGA filing are just and reasonable within the meaning of Sections 4 and 5 of the Natural Gas Act and Section 601(b) of the Natural Gas Policy Act (NGPA), and, therefore, such rates are not appropriate for guaranteed recovery under Section 601(c)(2) of the NGPA. The State Commissions state that the increase in

Transco's purchased gas costs has been much more rapid than that of comparable pipelines and that Transco's rates may soon price certain of Transco's distributor customers out of the industrial sales market.² They argue that certain purchases by Transco from its producer affiliate may not meet the "affiliated entities" test of Section 601(b)(1)(E) of the Natural Gas Policy Act (NGPA) and further that prices paid for 107 gas from non-affiliated producers may not meet the requirements of Section 601(b) and 601(c)(2) of the NGPA.

In its deliberations on the State Commissions' request to set for hearing the question of whether Transco should be allowed to passthrough the cost of deregulated gas, the Commission remains uncertain as to the particularities of the State Commissions' allegations.

Situations might exist where we could deny passthrough of gas costs in accord with Section 601 (b) and (c).³ We are not able at this stage to say whether the State Commissions' allegations sufficiently define a wrong which would lead the Commission to deny passthrough in accord with Section 601(c). The mere conclusory allegation of a violation without any factual or indicative elements supporting such an allegation would ordinarily not be sufficient to lead the Commission to set the matter for hearing. However, this being a case of first impression, we believe it essential that the legal and factual issues relating to Section 601(c) be resolved at hearing. We therefore in this instance will refer such matters to an Administrative Law Judge for initial consideration.

More specifically, the Commission does not perceive that Section 601(c) provides for an examination of prudence, as would be the case under conventional Natural Gas Act rate proceedings, based upon Transco's purchasing the subject gas, rather than other types of gas. However, when assertions are presented that Section 107 purchases involve conduct which rise to the level of fraud, abuse, or similar circumstances, we have a duty to evaluate them under the statutory criteria in Section 601(c). Abuse, in this context, does not refer to imprudence but to serious improprieties. The State Commission's allegations suggest improper behavior which may rise to

that level, and that is the question we are setting for the judge's consideration. Allegations of fraud and similar behavior are serious matters and the Commission will pursue such matters to the appropriate extent. However, it is important to emphasize that Section 601 establishes a guarantee of cost passthrough for Section 107 gas absent a finding of fraud, abuse or similar grounds, and protestants have a heavy burden of proof to demonstrate the impropriety that would trigger the "fraud, abuse or similar grounds" bases for denying passthrough of costs.

Based upon a review of Transco's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Transco's filing and suspend its effectiveness so that it shall become effective March 1, 1981, subject to conditions described below, subject to refund, and subject to the proceedings described below.

In a number of suspension orders,⁴ the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect March 1, 1981, subject to refund, and subject to the condition set forth below.

Transco's PGA increase reflects purchases from a producer-affiliate, Transco Exploration Co., in the South Timberline Block 148, Offshore Louisiana, of deregulated high-cost NGPA Section 107 gas priced at \$6.8098 per dth. The Commission is unable to

²This is because Transco's rates will soon surpass the price of alternative fuels in certain markets.

³The identity of, or differences between, "fraud", "abuse" or "similar grounds", when stated disjunctively in Section 601(c) is a particularly difficult but important question.

⁴E.g., *Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) [one day suspension]; *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) [five month suspension].

¹Twentieth Revised Sheet No. 12, Twentieth Revised Sheet No. 15 and Third Revised Sheet No. 16 to FERC Gas Tariff, Second Revised Volume No. 1 and Twenty Sixth Revised Sheet No. 121 to FERC Gas Tariff, Original Volume No. 2.

determine from the information submitted by the pipeline whether the proposed purchase price assigned to its affiliated production satisfies the affiliated entities limitation set forth in Section 601(b)(1)(E) of the Natural Gas Policy Act (NGPA). That Section provides that in the case of any first sale between any interstate pipeline and any affiliate of such pipeline, any amount paid shall be deemed just and reasonable if in addition to not exceeding the applicable maximum lawful price ceiling, such amount does not exceed the amount paid in comparable first sale transactions between persons not affiliated with such pipeline. Accordingly, the Commission's acceptance of this increase is conditioned upon Transco's filing, within thirty days of issuance of this order, data responsive to the data request attached in Appendix B. In essence, the data request seeks information demonstrating that the price paid for such production meets the affiliated entities test. This shall also be an issue in the evidentiary proceeding hereinafter ordered.

In addition, Transco's general, system-wide rate increase is subject to proceedings in Docket No. RP80-117. In such proceeding, one issue raised is whether Transco's current accounting methodology concerning the gas cost associated with storage service results in an overcollection of purchased gas costs. Accordingly, the determination of that issue in the present PGA filing shall be made subject to the outcome of that issue in Docket No. RP80-117.

Furthermore, the Commission notes that Transco's filing also includes increases pursuant to area rate clauses in its contracts with producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders in Docket No. RM79-22—that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Transco shall be flowed through to the ratepayers in accordance with the procedures prescribed in Transco's PGA clause.

In addition, the Commission notes that Transco's deferred purchased gas cost account (Account No. 191) reflects \$10.7 million in unpaid accruals. Transco indicated these unpaid accruals are attributable to purchases from producers who have NGPA well category determination filings pending for higher rates. Transco has included

an estimated effect of the higher rate for these purchases. Such inclusion of unpaid accruals in the deferred account is inconsistent with the Commission's Regulations governing purchase gas costs. Accordingly, Transco is directed to remove unpaid accruals from its deferred Account No. 191 and to file within 30 days revised tariff sheets, to be effective March 1, 1981, eliminating such costs from the pipeline's deferred account.

The Commission Orders: (A) Pursuant to the authority of Section 601 of the Natural Gas Policy Act and the Natural Gas Act, particularly sections 4, 5, 7, 8 and 15 thereof, and the Commission's Regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Transco in such PGA filing.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a pre-hearing conference in this proceeding to be held within 30 days after the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(C) Subject to the conditions set forth in the body of this order and the ordering paragraphs below, Transco's proposed tariff sheets are accepted for filing and, suspended, subject to refund, to become effective March 1, 1981.

(D) The issue in this docket of whether such PGA filing contains any overcollections due to Transco's current storage pricing methodology is made subject to the outcome of that issue in Docket No. RP80-117.

(E) Transco is ordered to file on or before 30 days after the issuance of this order revised tariff sheets to become effective March 1, 1981, reflecting the removal of \$10.7 million in unpaid accruals from Account No. 191.

(F) Transco shall file data as set forth in Appendix B within thirty days of the issuance of this order to show that the pricing of affiliate-owned production is in accordance with Section 601(b)(1)(E) of the NGPA.

(G) The costs associated with Transco's affiliate-owned production shall be collected subject to refund and subject to: (1) Transco's filing within thirty days of the issuance of this order the data called for in Paragraph (F) above, and (2) review of such data by

the Commission to determine what further action is appropriate.

(H) The petitioners listed in Appendix A to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however*, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petition to intervene and *provided, further*, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding. However, the Commission denies New York's and North Carolina's request for an investigatory hearing.

By the Commission.

Kenneth F. Plumb,
Secretary.

Appendix A—Transcontinental Gas Pipeline Corporation, Docket No. TA81-1-29-002, Petitions for Intervention

Elizabethtown Gas Company
South Jersey Gas Company
Eastern Shore Natural Gas Company
Philadelphia Gas Works
Pennsylvania Gas and Water Company
Piedmont Natural Gas Company, Inc.
Frederick Gas Company, Inc.

Appendix B

In order to make a determination regarding whether or not Transco's affiliated purchases of Section 107 gas meets the affiliated entities test additional information is required. Please submit the following information:

(1) Please identify other sources of gas priced pursuant to Section 107 of the NGPA on Transco's system or purchased by Transco as of March 1, 1981. Further, please provide:

- (a) contracts between Transco and the suppliers of such gas;
- (b) the geographic origin of such supplies including file and A.P.I. well number;
- (c) indicate if any of the Section 107 wells are jointly owned. If so, provide the names of the other sellers and, if applicable, other buyers;
- (d) the price and purchase volumes of such gas;
- (e) the pricing mechanism for such gas if no contract applies;
- (f) indicate if the contract has in it, or has determined, a maximum ceiling price for such gas. Provide details.

(2) Please state whether Transco has negotiated or is negotiating for other supplies of gas priced pursuant to Section 107 of the NGPA. If so, please include the following information for the period as of March 1, 1980.

- (a) indicate the seller of such gas;
- (b) identify the geographic origin of such supplies including field and well number;
- (c) state the price requested by the seller and the price offered by Transco. Include the volume of gas involved and the time period of negotiations for each parcel of gas; and

(d) if such gas was not purchased explain why these supplies were not contracted for by Transco.

(3) Please identify any other producers of Section 107 gas who produce gas either from the same field Transco purchases or produces its Section 107 gas or adjacent fields thereto and the prices paid for such purchases.

[FR Doc. 81-7198 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. TA81-1-30-001 (PGA81-1, LFUT81-1, IPR81-1 and TT81-1)]

Trunkline Gas Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Refund and Conditions and Establishing Procedures

Issued: February 28, 1981.

On January 14, 1981, Trunkline Gas Company (Trunkline) filed its semiannual PGA rate adjustment¹ with a proposed effective date of March 1, 1981. The PGA portion of the 51.26¢ per dth increase includes: (1) a 53.90¢ per dth increase in the cost of purchased gas; (2) a 2.43¢ per dth decrease in the surcharge to recover the negative \$7,917,723 balance in its deferred purchased gas cost account; and (3) a negative .19¢ per dth decrease in the deferred purchased gas carrying cost surcharge. There was no incremental pricing surcharge adjustment included in this filing since Trunkline has projected the MSAC's for the six-month period ending August 3, 1981, to be zero.

Trunkline's filing reflects a .21¢ per dth decrease in the Louisiana First Use Tax (LFUT) rate. Trunkline also filed a Purchased gas transmission and Compression tracking decrease. Demand rates were decreased 2.0¢ per dth and commodity rates were increased 3.86¢ per dth. This adjustment will result in returning to its jurisdictional customers the negative balance of \$4,529,586 on November 30, 1980 of the Deferred Account. This adjustment is pursuant to the Agreement as to Rates and Related Matters in Docket No. RP78-11, approved by Commission order issued November 25, 1978.

Public notice of Trunkline's filing was issued on January 23, 1981, providing for protests or petitions to intervene to be filed on or before February 9, 1981. Petitions to intervene were filed by General Motors Corporation, Central Illinois Light Company, and Consumers Power Company in which each requested permission to intervene and participate if hearing procedures are established. The State of Michigan and

the Michigan Public Service Commission (Michigan) filed a joint protest and petition to intervene in which they requested the Commission to suspend the filing subject to refund and establish hearing procedures.² Having demonstrated an interest in this proceeding warranting their participation, all of these petitioners shall be granted intervention.

Trunkline's filing reflects purchases of certain volumes of deregulated high-cost natural gas from nonaffiliated producers priced under Section 107 of the Natural Gas Policy Act of 1978 (NGPA) which were not reflected in prior PGA's. These purchases comprise 9.80% of the purchased gas volumes, and 27.78% of the cost of purchased gas reflected in the current adjustment of the filing based on the twelve-month period ending November 30, 1981, as annualized.³

Michigan requests that the Commission suspend the filing, allow the rate increase to become effective subject to refund, and set for hearing the question whether Trunkline should be allowed to pass through to its jurisdictional customers the cost of certain unregulated gas.⁴

Michigan notes that under Section 601(c) of the NGPA, the Commission may prevent passthrough of purchased gas costs to the extent it "determines fraud, abuse or similar grounds." Michigan states that more information is needed before the Commission validates Trunkline's filing in order to determine that the prices are not excessive due to abuse or other similar circumstances. In its deliberations on Michigan's request to set for hearing the question of whether Trunkline could be allowed to pass through the cost of deregulated gas, the Commission remains uncertain as to the particularities of Michigan's allegation.⁵

Situations might exist where we could deny passthrough of gas costs in accord

² On February 18, 1981, Trunkline filed a Response to the Protest, Motion and Notice of Intervention of the State of Michigan and the Michigan Public Service Commission.

³ Trunkline's purchases of Section 107 gas are priced in the subject filing on the basis of one of three pricing provisions: (a) a base rate of \$2.75 per MMBtu escalated pursuant to the Section 102(b) escalation factor; (b) Platt's Oilgram prices for No. 2 fuel oil in Detroit less Trunkline transmission costs; or (c) 110% of the price of No. 2 fuel oil in Platt's Oilgram, New York edition.

⁴ Michigan states that prices charged in the new Section 107 gas contracts are too high, the volumes are too large and the impact on consumers is too great to allow these costs to be passed through without further scrutiny. Michigan raises questions which it indicates are not answered in Trunkline's filing.

⁵ Michigan's protest is, in part, a plea for more specific information. See page 4 of the protest.

with Section 601(b) and (c).⁶ We are not able at this stage to say whether Michigan's allegations sufficiently define a wrong which would lead the Commission to deny passthrough in accord with Section 601(c). The mere conclusory allegation of a violation without any factual or indicative elements supporting such an allegation would ordinarily not be sufficient to lead the Commission to set the matter for hearing. However, this being a case of first impression, we believe it essential that the legal and factual issues relating to Section 601(c) be resolved at hearing. We therefore in this instance will refer such matters to an Administrative Law Judge for initial consideration.

More specifically, the Commission does not perceive that Section 601(c) provides for an examination of prudence, as would be the case under conventional Natural Gas Act rate proceedings, based upon Trunkline's purchasing the subject gas, rather than other types of gas. However, when assertions are presented that Section 107 purchases involve conduct which rise to the level of fraud, abuse, or similar circumstances, we have a duty to evaluate them under the statutory criteria in Section 601(c). Abuse, in this context, does not refer to imprudence but to serious improprieties. Michigan's allegations suggest improper behavior which may rise to that level, and that is the question we are setting for the judge's consideration. Allegations of fraud and similar behavior are serious matters and the Commission will pursue such matters to the appropriate extent. However, it is important to emphasize that Section 601 establishes a guarantee of cost passthrough for Section 107 gas absent a finding of fraud, abuse or similar grounds, and protestants have a heavy burden of proof to demonstrate the impropriety that would trigger the "fraud, abuse or similar grounds" basis for denying passthrough of costs.

Based upon a review of Trunkline's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Trunkline's filing and suspend its effectiveness as set forth below.

In a number of suspension orders,⁷ the Commission has addressed the

⁶ The identity of, or differences between, "fraud", "abuse" or "similar grounds", when stated disjunctively in Section 601(c) is a particularly difficult but important question.

⁷ E.g., *Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one-day suspension);

Continued

¹ Thirty-fifth Revised Sheet No. 3-A and Fourth Revised Sheet No. 3-B to FERC Gas Tariff, Original Volume No. 1.

considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is one type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect March 1, 1981, subject to refund, pending hearing and decision.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 8 and 15 thereof, Section 601(c) of the Natural Gas Policy Act, and the Commission's Regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Trunkline in such PGA filing.

(B) Trunkline's Thirty-fifth Revised Sheet No. 3-A and Fourth Revised Sheet No. 3-B to FERC Gas Tariff, Original Volume No. 1 are accepted for filing, suspended, and may become effective March 1, 1981, subject to refund in the manner prescribed by the Natural Gas Act.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a prehearing conference in this proceeding to be held within 30 days after the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(D) The petitioners identified in this order are permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *provided, however*, that the participation of the intervenors shall be

limited to matters affecting asserted rights and interests specifically set forth in their petition to intervene and *provided, further*, that the admission of such intervenors shall not be construed as recognition that might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7199 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-178-000

United Gas Pipe Line Co.; Application

March 2, 1981.

Take notice that on February 4, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP 81-178-000 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 to Entex, Inc. (Entex) as the successor-in-interest of a distribution system previously owned by Columbia Gas Service Corporation (Columbia Gas), 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 continue the sale for resale of natural gas to Entex as the successor in interest to Columbia Gas of the distribution system at Franklin, Louisiana. It is asserted that the subject distribution system was acquired from Columbia Gas on November 21, 1980.

Applicant states that it was authorized to make sales for resale of natural gas to Entex and Columbia Gas for their respective distribution systems located in Franklin, Louisiana. It is further stated that Columbia Gas' authorized maximum daily quantity is 219 Mcf under Applicant's Rate Schedule G-S and that Entex's authorized maximum daily quantity is 32,546 Mcf of natural gas under Applicant's Rate Schedule DG-S which includes 6,533 Mcf for the area of Franklin.

Applicant further proposes herein to add the 219 Mcf of natural gas previously delivered to Columbia Gas to Entex's total maximum daily quantity of 32,546 Mcf at the newly designated Franklin City Gate No. 2 under Applicant's Rate Schedule DG-S.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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. 81-7193 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

**ENVIRONMENTAL PROTECTION
AGENCY**

[Docket No. ECAO-CD-79-1; RD-FRL 1771-2]

**Air Quality Criteria for Particulate
Matter and Sulfur Oxides**

AGENCY: Environmental Protection Agency.

ACTION: Commencement of Comment Period on Second External Review Draft.

SUMMARY: As previously announced, EPA is revising the existing criteria documents for particulate matter and sulfur oxides (PM/SO_x) under Sections 108 and 109 of the Clean Air Act, 42 U.S.C. 7408, 7409. Since January, 1981, various volumes of a second draft combined criteria document for PM/SO_x,

have been released to the public upon completion. This notice announces the availability of the complete second draft, and the commencement of a 60-day comment period.

ADDRESSES:

To Obtain Copies: The Environmental Criteria and Assessment Office (ECAO) filled more than 4,000 public requests for copies of the first external review draft released in April, 1980. Because all those who received copies of the first draft from ECAO are being sent copies of the various volumes of the second external review draft, there is no need to resubmit a request. Others wishing to receive the second external review draft who have not already submitted requests in response to the January 29, 1981 notice announcing the availability of the draft (46 FR 9746) should address written requests for copies to Diane Chappell—PM/SO_x, Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. Telephone requests may be placed at (919) 541-3746; FTS 629-3746.

DATES: All volumes of the second external review draft will be available for release March 6, 1981. Public comments on the second draft must be received by 5 p.m., EDT, May 5, 1981, at the above address. There will be no extensions of this comment period.

SUPPLEMENTARY INFORMATION: As discussed in the Federal Register of October 2, 1979 (44 FR 56730) if the Administrator should decide to propose revised national ambient air quality standards for particulate matter or sulfur oxides, the proposal(s) would be based on a final revised criteria document.

In April, 1980, a first external review draft of a combined revised PM/SO_x criteria document was released for public review. In August, 1980, the Clean Air Scientific Advisory Committee ("CASAC") of EPA's Science Advisory Board reviewed the first draft, and advised that a second draft should be prepared. CASAC also advised that in preparing the second draft EPA should convene panels of experts to discuss outstanding issues at technical working sessions. During November 1980-January 1981, EPA held discussions on various chapters at five such meetings, which were open to the public and announced in the Federal Register. Beginning in January, 1981, completed volumes of the second draft were made available to the public (46 FR 9746, January 29, 1981).

The five volumes of the second draft PM/SO_x criteria document include: Volume I, chapter 1 (executive

summary); Volume II, chapters 2-5 (air quality aspects); Volume III, chapters 6-8 (transport and fate, acidic deposition effects, and vegetation effects); Volume IV, chapters 9 and 10 (visibility and materials damage effects); Volume V, chapters 11-14 (health effects).

Now that all five volumes are available, a sixty-day period is being provided for the submission of public comments. No extensions to the comment period will be provided. The statutory deadline for completion of appropriate revisions to the existing criteria documents for PM and SO_x has passed. In addition, EPA is subject to a consent order in litigation with the American Iron and Steel Institute and 12 steel companies; the order essentially required the Administrator to make a *bona fide* and diligent attempt to issue a revised PM/SO_x criteria document by December 31, 1980. [*AISI et al. v. Costle*, No. 78-92 (W.D. Pa.)] For these and other reasons, EPA is seeking to issue a revised document as rapidly as possible consistent with maintaining the requisite quality. In the circumstances, including prior and subsequent opportunities for public participation and the prior availability of at least two volumes of the present draft, I believe the sixty-day period is adequate and should not be extended.

EPA welcomes all comments pertaining to this second draft document, and requests that an original and three copies of all comments be submitted to the address above under "To Obtain Copies." Comments should reference the docket number, ECAO-CD-79-1. To facilitate consideration of the comments received on this lengthy and complex document, commenters are asked to list at the outset the major points they discuss and to reference in the list those pages in the body of their comments where the major points are discussed, and the pages in the draft document to which the comments pertain. Also, to help EPA respond as quickly as possible to the comments, commenters are urged to send all or portions of their comments (e.g., comments on the volumes previously released) to EPA well before the end of the comment period where this is possible.

The various drafts for the PM/SO_x criteria document, public comments on the drafts, related correspondence and other materials developed in the course of revising the criteria documents are available for inspection in the public docket, No. ECAO-CD-79-1. The docket is available for inspection and copying between the hours of 8 and 4 at EPA headquarters in the Central Docket

Section (A-130), Gallery 1 West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

EPA is making the second draft available to CASAC for advice and comments on the document's scientific and technical adequacy. A subsequent Federal Register notice will announce the date and location of CASAC's meeting on the document. EPA will request that CASAC continue its practice of providing an opportunity for members of the public to present oral comments on the draft document under consideration.

Dated: March 2, 1981.

Richard M. Dowd,
Acting Assistant Administrator for Research and Development.

[FR Doc. 81-7160 Filed 3-5-81; 8:45 am]

BILLING CODE 6560-35-M

[A-7-FRL 1770-5]

Region VII; Approvals of PSD Permits

Region VII notice of approvals of PSD permits to Empire District Electric Company, LaRussell Energy Center, Joplin, Missouri; Missouri Public Service Company, Ralph Green Station, Pleasant Hill, Missouri; and Noranda Aluminum, Incorporated, New Madrid, Missouri.

Notice is hereby given that the Environmental Protection Agency (EPA) has issued construction permits under the Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21) to: Empire District Electric Company; Missouri Public Service Company; and Noranda Aluminum, Incorporated.

On January 7, 1981, the EPA formally approved a proposal by the Empire District Electric Company to add a 90-megawatt oil-fired simple-cycle combustion turbine (Unit 2) at their LaRussell Energy Center in Jasper County, Missouri. The new turbine will emit significant amounts of nitrogen oxides (NO_x), sulfur dioxide (SO₂), carbon monoxide (CO), and particulate matter (TSP). The existing ambient air quality in the vicinity of the proposed source is better than the National Ambient Air Quality (NAAQS) for all pollutants. Thus, the proposed expansion is classified as a major modification under the PSD regulations.

On January 29, 1981, the EPA formally approved a proposal by the Missouri Public Service Company to install an 81-megawatt gas-fired combustion turbine unit to their Ralph Green Station in Pleasant Hill, Missouri. The turbine is a major modification of a named major stationary source because the addition

will result in a significant net increase in nitrogen oxides (NO_x) emissions. There will be no significant net increase in emissions of any other pollutants regulated under the Clean Air Act.

On February 2, 1981, the EPA formally approved a proposal by Noranda Aluminum, Incorporated, to construct a third aluminum reduction pot line and associated facilities at their New Madrid, Missouri, plant. The modification will add one 85,000-ton-per-year pot line with associated anode baking and metal casting operations, which will significantly increase emissions of sulfur dioxide (SO₂) and carbon monoxide (CO). Air quality in the New Madrid area is better than the NAAQS for these pollutants. The additional pot line will also have significant emissions of particulate matter and fluorides. However, modifications to the control systems for existing facilities will provide offsets for these emissions. Also, the source is located in a particulate matter non-attainment area and the provisions of the offset policy have been applied.

Under Section 307(b)(1) of the Clean Air Act, as amended in August, 1977, judicial review of any of the above actions is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, as amended in August, 1977, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

In these cases, the appropriate court is the Eighth Circuit Court of Appeals. A petition for review must be filed with this court on or before May 5, 1981.

Copies of the permits and related information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Dated: February 20, 1981.

William Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 81-7146 Filed 3-5-81; 8:45 am]

BILLING CODE 6560-38-M

[A-7-FRL-1770-6]

Region VII; Non-Applicability of PSD Regulations

Region VII notice of non-applicability of PSD regulations to Hawkeye Chemical, Company, Clinton, Iowa and

Northwestern States Portland Cement Company, Mason City, Iowa.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that construction proposals by the above companies are not subject to the review requirements of the Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21).

On January 27, 1981, the EPA issued a nonapplicability determination to the Hawkeye Chemical Company for modifications to the ammonia plant in Clinton, Iowa. Calculations show that a net decrease in emissions will occur as a result of these modifications.

On January 27, 1981, the EPA issued a nonapplicability determination to the Northwestern States Portland Cement Company, to convert Kiln #3 to a preheater/precalciner-type kiln, and to permanently shut down Kiln #1. This conversion will result in either a net emission decrease or no change in emissions. Thus, the PSD regulations will not apply to the proposed project.

Under Section 307(9b)(1) of the Clean Air Act, as amended in 1977, judicial review of any of these determinations is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, as amended in 1977, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

In this case, the appropriate court is the Eighth Circuit of Appeals. A petition for review must be filed with this court on or before May 5, 1981.

The determinations and related background information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Dated: February 20, 1981.

William Rice,

Acting Regional Administrator Region VII.

[FR Doc. 81-7147 Filed 3-5-81; 8:45 am]

BILLING CODE 6560-38-M

[A-10-FRL 1770-4]

Region 10; Issuance of PSD Permits to the Northwest Alaskan Pipeline Company

Notice is hereby given that on February 23, 1981 the Environmental Protection Agency issued Prevention of Significant Deterioration (PSD) Permits (40 CFR Part 52.21) to Northwest

Alaskan Pipeline Company for approval to construct seven compressor stations along the Alaskan Natural Gas Transportation System in Alaska.

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

Copies of these permits are available for public inspection upon request at the following locations:

EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101
Office of the Mayor, Barrow, Alaska 99723

EPA, Alaska Operations Office, 701 C Street, Room E535, Anchorage, Alaska 99513

Tok High School Library, Tok, Alaska 99870

Dated: February 23, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81-7148 Filed 3-5-81; 8:45 am]

BILLING CODE 6560-38-M

[AS-FRL-1771-3]

National Contingency Plan Draft Revision; Meeting

AGENCY: The Environmental Protection Agency.

ACTION: Notice of public meeting on the initial draft revision of the National Contingency Plan.

SUMMARY: The National Contingency Plan currently provides the authority to handle pollution damage from discharges of oil or hazardous substances into navigable waters. With the passage of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the National Contingency Plan must be revised to provide a multi-media approach not only for discharges of hazardous substances or oil into navigable waters, but releases or possible releases into ground water, air, and on land. We expect these required revisions to improve the ability of Federal and State agencies to prevent or minimize damage to the environment and threats to people's health.

DATE: March 26, 1981, from 9:00 a.m. until 12:00 p.m.

ADDRESS: Lisner Auditorium, George Washington University, 21st and H Streets, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Ms. Julie Frazier, EPA, Office Hazardous Emergency Response (WH-548), 401 M Street, SW., Room G-222, East Tower, Washington, D.C. 20460. Telephone: (202) 755-9685.

SUPPLEMENTARY INFORMATION: A draft copy of the National Contingency Plan is available for review and comment from Ms. Frazier.

Dated: March 3, 1981.

Michael B. Cook,

Deputy Assistant Administrator, Office of Hazardous Emergency Response.

[FR Doc. 81-7159 Filed 3-5-81; 8:45 am]

BILLING CODE 6560-36-M

[ER-FRL-1771-5]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EIS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of February 23, 1981 to February 27, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from March 6, 1981 and will end on April 20, 1981. The 30-day review period for final EIS's as calculated from March 6, 1981 will end on April 6, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245-3006.

Dated: March 3, 1981.
William N. Hedeman, Jr.,
Director, Office of Federal Activities (A-104).

U.S. DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, (202) 447-3965.

FOREST SERVICE

DRAFT

WESTERN SPRUCE BUDWORM MANAGEMENT PLAN, TAOS, COLFAX AND RIO ARRIBA COUNTIES, NEW MEXICO. February 25: Proposed is a spruce budworm management plan for the Carson National Forest, Taos Pueblo and adjoining private lands. (EIS Order No. 810156.)

FINAL

MULTORPOR SKI BOWL MASTER PLAN, CLACKAMUS COUNTY, OREGON. February 26: Proposed is a management plan for and the expansion of the Multorpor Ski Bowl located in the Mt. Hood National Forest. Comments made by: AHP, HUD, DOT, USDA, DOI, EPA, State and local agencies, groups and individuals. (EIS Order No. 810157.)

GYPSY MOTH SUPPRESSION AND REGULATORY PROGRAM. February 27: Proposed is a cooperative gypsy moth suppression and regulatory program affecting northeastern States that request funding for suppression purposes and States where regulatory activities are implemented. Comments made by: DOC, COE, HHS, DOI, USN, EPA, State and local agencies. (EIS Order No. 810163.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of the Chief of Engineers, (202) 272-0121.

FINAL

EIGHT MILE CREEK BASIN FLOOD CONTROL, PARAGOULD, GREENE COUNTY, ARKANSAS. February 27: Proposed is a flood control and recreation plan for a portion of the Eight Mile Creek Basin near Paragould. Comments made by: EPA, USDA, DOI, DOT, AHP, State agencies. (EIS order No. 810164.)

DRAFT SUPPLEMENT

TALLAHALA CREEK LAKE, OIL INTEREST (DS-2/REVISED), JASPER COUNTY, MISSISSIPPI. February 24: This statement supplements a final EIS, No. 725336, filed 9-22-72 concerning a multipurpose project for the Tallahala Creek Lake and specifically evaluates impacts on the project that have resulted from a recent oil find in the lake site. (EIS Order No. 810152.)

REPORT

LITTLE BLUE RIVER CHANNEL, JACKSON COUNTY, MISSOURI. February 24: This supplemental report provides information concerning a project change for the Lake City Army ammunition plant diversion channel and levees in conjunction with the Little Blue River Channel Project. (EIS Order No. 810153.)

TIME EXTENSION: Clarks Hill Lake O/M, Savannah River, GA, published FR February

20, 1981—review period has been extended from April 6, 1981 to April 20, 1981. (No. 810113.)

CORRECTION: Within the Notice of Availability published in the January 13, 1981 FR two COE EISs, San Antonio Channel Improvement (FS-1), Bexar County, TX and Grays Harbor and Chehalis River Navigation (FS-1), Grays Harbor County, Washington, were incorrectly published under DOA. See Federal Register correction elsewhere in this issue.

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, (202) 343-3891.

BUREAU OF LAND MANAGEMENT

FINAL

UINTA-SOUTHWESTERN UTAH COAL DEVELOPMENT, CARBON, SEVIER, EMERY AND SANPETE COUNTIES, UTAH. February 24: Proposed is the leasing and mining of lands within the Uinta-Southwestern Utah Coal Region. Comments made by: USDA, DOI, EPA, State and local agencies, groups. (EIS Order No. 810155.)

DRAFT SUPPLEMENT

COLSTRIP TRANSMISSION LINE, RIGHT-OF-WAY (DS-1), DEER LODGE, JEFFERSON, POWELL AND SILVER BOW COUNTIES, MONTANA. February 26: This statement supplements a final EIS, No. 790822, filed 7-31-79 concerning the granting of right-of-way for the Colstrip project and considers additional corridor segments. (EIS Order No. 810160.)

WATER AND POWER RESOURCES SERVICE

HOLD: The USDI/SPRS published in the FR date February 19, 1981 (46 FR 12992) suspension of the comment period on the DEIS for Acreage Limitation (No. 810015). Therefore, the Notice of Availability published by EPA on January 16, 1981 and the review period scheduled to terminate on March 16, 1981 are being held until further notice from the USDI. A new Notice of Availability and review period will be published by EPA at that time.

DEPARTMENT OF LABOR

Contact: Ms. Joanne Lindhart, Chief, Office of Environmental Impact Assessment, (202) 523-7111.

DRAFT

HAZARDS IDENTIFICATION STANDARD. February 23: Proposed is a regulatory standard for the identification of hazardous substances which would require employers to identify and provide access to information on the number and types of substances present in their workplaces. (EIS Order No. 810149.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION**DRAFT**

I-40 IMPROVEMENT, US 421 TO US 158, FORSYTH AND BUILFORD COUNTIES, NORTH CAROLINA. February 27: Proposed is the improvement of I-40 from US 421 to US 158 and the extension of the East-West Thoroughfare Extension from US 52 to I-40. (EIS Order No. 810162.)

EXTENSION: The review period for the above EIS has been extended until April 27, 1981. (No. 810162.)

I-75 and I-85/DOWNTOWN CONNECTOR IMPROVEMENT, FULTON COUNTY, GEORGIA. February 26: Proposed is the improvement of I-75, I-85 and bridges from Cleveland Avenue to Williams Street. (EIS Order No. 810161.)

I-75 CORRIDOR AND INTERCHANGE IMPROVEMENT, MONROE COUNTY, GEORGIA. February 26: Proposed are improvements for the I-75 corridor and the Juliette Road/I-75 and GA-83/I-75 interchanges. (EIS Order No. 810159.)

FINAL

KALAMAZOO RAIL CONSOLIDATION PROGRAM, KALAMAZOO COUNTY, MICHIGAN. February 26: Proposed is a rail consolidation program consisting of the consolidation of three rail systems and the construction of a grade separation. Comments made by: DOC, COE, EPA, DOI, DOT, State agencies, businesses. (EIS Order No. 810158.)

I-91/I-291 TRANSPORTATION CORRIDOR IMPROVEMENTS, HARTFORD COUNTY, CONNECTICUT. February 24: Proposed is the improvement of I-91 from Hartford to Enfield and I-291 from Windsor to Manchester. Comments made by: FHWA, COE, DOT, EPA, AHP, HUD, DOI, FRC, State and local agencies, businesses. (EIS Order No. 810122.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Lisa Corbin, Region X, (206) 442-1285.

DRAFT

CITY OF POST FALL WWT FACILITIES, GRANT AND KOOTENAI COUNTIES, IDAHO. February 23: Proposed is the awarding of a grant for the development of a facilities plan for the construction of a central wastewater collection, treatment and disposal system to serve city residents and residents of adjacent urbanizing unincorporated areas. (EIS Order No. 810151.)

FEDERAL ENERGY REGULATORY COMMISSION

Contact: Mr. Jack M. Heinemann, Advisor on Environmental Quality, (202) 357-8228.

FINAL

SULTON RIVER PROJECT NO. 2157, LICENSE AMENDMENT, SNOHOMISH COUNTY, WASHINGTON. February 27: Proposed is an amendment to the license for the Sulton River project authorizing additional works. Comments made by: DOC, DOI, EPA, HHS, USDA, State and local agencies, groups, individuals, and businesses. (EIS Order No. 810165.)

DRAFT SUPPLEMENT

ROCKY MOUNTAIN PROJECT, DAM RELOCATION (DS-1), FLOYD COUNTY, GEORGIA. February 10: This statement supplements final EIS, No. 760735, filed 5-18-76 and proposes an amendment of the license for the construction and operation of the Rocky Mountain Project. (EIS Order No. 810070.)

NOTATION: The above EIS was originally filed on January 23, 1981 and published in the January 30, 1981 FR. The EIS was refiled as of February 10, 1981 and should have appeared in the February 13, 1981 FR. The review period will terminate on March 30, 1981. (No. 810070.)

GREAT LAKES BASIN COMMISSION

Contact: Mrs. Lee Botts, Chairman, (313) 668-2300.

DRAFT

GREAT LAKES BASIN WETLANDS POLICY PLAN, SEVERAL STATES. February 23: Proposed is the adoption of a regional policy statement intended to assist in developing and/or revising state and federal policy relating to wetlands in the Great Lakes Basin. (EIS Order No. 810148.)

EXTENSION: The review period for the above EIS has been extended until May 28, 1981. (No. 810148.)

GREAT LAKES BASIN COASTAL HAZARDS ELEMENT, SEVERAL STATES. February 23: Proposed is the implementation of the Coastal Hazards Element of the Great Lakes Basin Plan which would serve as an adopted statement of regional policy. (EIS Order No. 810150.)

EXTENSION: The review period for the above EIS has been extended until May 28, 1981. (No. 810150.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, (202) 755-6300.

FINAL

BLUEWATER BAY VILLAGE, MORTGAGE INSURANCE, OKALOOSA COUNTY, FLORIDA. February 27: Proposed is the issuance of HUD home mortgage insurance for the Bluewater Bay Village planned unit development which will consist of 5,714 dwelling units and encompass 1,600 acres.

{FR Doc. 81-7244 Filed 3-5-81; 8:45 am}

BILLING CODE 6560-37-M

[ER-FRL-1754-5]**Availability of Environmental Impact Statements****Correction**

In FR Doc. 81-5242 in the issue of Friday, February 13, 1981 certain information was published incorrectly. On page 12323, second column, the material headed "U.S. Army Corps of Engineers" down to "Department of Agriculture" should have appeared in

the third column between the third paragraph, "Extension" and the heading "Final Supplement".

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION**Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, 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 the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by March 16, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. 6010-26.

Filing party: Mr. Clarence Morse, Warren & Associates, P.C., 1100 Connecticut Avenue, Washington, D.C. 20036.

Summary: Agreement No. 6010-26 modifies the basic agreement of the Straits/New York Conference by using employed Secretaries to perform all those functions previously delegated to the Chairman. By Order of the Federal Maritime Commission.

Dated: March 3, 1981.

Francis C. Hurney,

Secretary,

{FR Doc. 81-7161 Filed 3-5-81; 8:45 am}

BILLING CODE 6730-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Arbitration Services Advisory Committee; Notice of Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Arbitration Services Advisory Committee, in accordance with Section 10 of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), will meet on Friday, March 27, 1981 at 9:30 a.m. in Conference Room 610, 2100 K Street, NW., Washington, D.C.

The agenda is as follows:

1. Review of FY 1981 OAS statistics.
2. Appropriations and staffing for FY 1981 and 1982.
3. FY 1981 seminars and conferences.
4. Current case processing problems.
5. FMCS policy on submission of panels.
6. Admission of retired mediators.
7. Arbitrator Review Board admissions and removals.
8. ASAC transition paper for incoming director.
9. New ASAC meeting.

This meeting shall be open to the public.

Communications regarding this meeting should be addressed to: Ms. Jewell Myers, Associate Director, Office of Arbitration Services, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C. this second day of March, 1981.

Kenneth E. Moffett,
Acting Director.

[FR Doc. 81-7118 Filed 3-5-81; 8:45 am]
BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or

gains in efficiency; that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 30, 1981.

A. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Pennbancorp, Titusville, Pennsylvania (reinsurance activities; Pennsylvania): to engage, through its subsidiary, Pennbancorp Life Insurance Company, in underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant and its banking subsidiary, Pennbank, Titusville, Pennsylvania. This activity would be performed from an office in Phoenix, Arizona, and the geographic areas to be served are Crawford, Venango, Erie, Warren, McKean and Elk Counties, Pennsylvania.

B. *Other Federal Reserve Banks:*
None.

Board of Governors of the Federal Reserve System, February 27, 1981.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 81-7158 Filed 3-5-81; 8:45 am]
BILLING CODE 6210-01-M

First Bancshares of Louisiana, Inc.; Formation of Bank Holding Company

First Bancshares of Louisiana, Inc., Baton Rouge, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Louisiana National Bank of Baton Rouge, Baton Rouge, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 2, 1981.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 81-7154 Filed 3-5-81; 8:45 am]
BILLING CODE 6210-01-M

Guthrie County Investment Co.; Formation of Bank Holding Company

Guthrie County Investment Co., Guthrie Center, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Guthrie County State Bank, Guthrie Center, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 27, 1981.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 81-7155 Filed 3-5-81; 8:45 am]
BILLING CODE 6210-01-M

Hull State Bancshares, Inc.; Formation of Bank Holding Company

Hull State Bancshares, Inc., Hull, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C.

1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Hull State Bank, Hull, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 27, 1981.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 81-7156 Filed 3-5-81; 8:45 am]
BILLING CODE 6210-01-M

McCamey Bancshares, Inc.; Formation of Bank Holding Company

McCamey Bancshares, Inc., McCamey, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares, less directors' qualifying shares, of Security State Bank, McCamey, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 2, 1981.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 81-7157 Filed 3-5-81; 8:45 am]
BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Taft Broadcasting Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets and voting securities of the Kroger Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Officer, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-7175 Filed 3-5-81; 8:45 am]
BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: HG Incorporated is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting

securities of Elsinore Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by HG Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-7176 Filed 3-5-81; 8:45 am]
BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-1]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Georgia Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*
a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the

Georgia Public Service Commission involving the application of the Southern Bell Telephone and Telegraph Company for increases in rates for telecommunications service. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-7151 Filed 3-5-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Worker Safety Hazards in Grain Elevators and Feed Mills; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Centers for Disease Control and will be open to the public, limited only by the space available:

Worker Safety Hazards in Grain Elevators and Feed Mills

Date: April 1-2, 1981

Time: 8:30 a.m. to 5 p.m.

Place: Ramada Inn, Route 119 South & U.S. 48, Morgantown, West Virginia

Purpose: To discuss criteria being developed to reduce worker exposure to safety hazards, as well as general industrial hazards associated with the daily handling, storage, and processing of grain.

Additional information may be obtained from: Mr. Peter M. Bochuak, Division of Safety Research, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505 Telephone: (304) 599-7574 or FTS 923-7574.

Dated: February 27, 1981.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

[FR Doc. 81-7142 Filed 3-5-81; 8:45 am]

BILLING CODE 4110-87-M

Food and Drug Administration

[Docket No. 80P-0410]

Red Wolf Productions; Approval of Variance for Laser Projection System and Laser Light Show

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for laser products has been approved by the Bureau of Radiological Health for the laser projection system and laser light display in Union Square, San Francisco, CA, manufactured by Red Wolf Productions. The projector provides laser display to produce a variety of special lighting effects between buildings in an urban park. The principal use of this product is to provide entertainment to general audiences.

DATES: The variance became effective December 9, 1980, and ends December 9, 1981.

ADDRESS: The application and all correspondence on the application have been placed on display 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.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Red Wolf Productions, 2670 Leavenworth St., San Francisco, CA 94133, has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products. The variance permits the manufacturer to introduce into commerce the demonstration laser product known as a laser projector and a light show display in Union Square, San Francisco, manufactured and produced by Red Wolf Productions. The show has levels of accessible laser radiation in excess of class II levels but not exceeding those required to perform the intended function of the product. Suitable means of radiation protection will be provided by constraints on the physical and optical design, by warnings in the user manual and on the product, and by procedures for Red Wolf Productions personnel. The product shall bear the Variance Number 80P-0410.

By letter of December 9, 1980, the Director of the Bureau of Radiological

Health approved the requested variance, which terminates on December 9, 1981.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 2, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7097 Filed 3-5-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 78P-0408]

Roche Laboratories; Approval of Variance for Dreamstage Exhibit and Class IV Dreamstage Laser Projection System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for laser products has been approved by the Bureau of Radiological Health for the Dreamstage Exhibit and Class IV Dreamstage Laser projection System manufactured and produced by Roche Laboratories. The projector provides a laser display to produce a variety of special lighting effects. The principal use of this product is to provide entertainment to general audiences.

DATE: The variance became effective December 15, 1980, and ends December 15, 1981.

ADDRESS: The application and all correspondence on the application have been placed on display 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.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Roche Laboratories, 74 Fenwood Rd., Boston, MA 02115, has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products. The variance permits the manufacturer to introduce into commerce the demonstration laser product known as the Dreamstage Exhibit, incorporating the Class IV

Dreamstage Laser projection System manufactured and produced by Roche Laboratories. The shows have levels of accessible laser radiation in excess of class II levels but not exceeding those required to perform the intended function of the product. Suitable means of radiation protection will be provided by constraints on the physical and optical design, by warnings in the user manual and on the product, and by procedures for Roche Laboratories personnel. The product shall bear the Variance Number 78P-0408.

By letter of December 15, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on December 15, 1981.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 2, 1981.

William F. Randolph,
Acting Associate Commissioner Regulatory
Affairs.

[FR Doc. 81-7096 Filed 3-5-81; 8:45 am]

BILLING CODE 4110-03-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on March 24, 1981, at 7 p.m. a public information meeting will be held at the Old Murrells Inlet School Auditorium, Murrells Road, Murrells Inlet, South Carolina.

The meeting is being called by the Executive Director of the Council in accordance with Section 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed construction of a marina by Ralph F. Triska at Smith's Landing, Murrells Inlet Historic District, a property eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could

avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the Murrells Inlet Historic District, by the Charleston District, Corps of Engineers.

III. A statement by the South Carolina State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the Murrells Inlet Historic District.

V. A general question period.

Speakers should limit their statement to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005, Attention: Don L. Klima (202-254-3495).

Dated: March 2, 1981.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 81-7124 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-43]

Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Santa Cruz Riverpark: Rio Nuevo Redevelopment Project, Tucson, Arizona. This Notice is required by the Council of Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies

having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Also, as described in the second appendix, HUD is withdrawing the Notice that was published in the *Federal Register* on Woodlake Trails Subdivision, Hanover, Illinois.

Each Notice shall be effective for one year. If one year after the publication of a Notice in the *Federal Register* a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the *Federal Register*, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. February 23, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental
Quality.

Appendix

EIS on Santa Cruz Riverpark: Rio Nuevo Redevelopment Project, Tucson, Arizona

The Downtown Development Corporation of Tucson, Arizona (DDC), in cooperation with the Los Angeles Area Office of the U.S. Department of Housing and Urban Development (HUD), intends to issue a Supplemental Environmental Impact Statement (EIS) for a combined residential, commercial and recreational development in a project area identified as the Rio Nuevo Redevelopment Project, located immediately west of downtown Tucson, Arizona.

HUD's participation in this project is proposed through its various housing assistance programs and its Federal mortgage insurance program, both of which are intended to facilitate home ownership, availability of affordable housing to persons of low and moderate income, availability of improved housing opportunities to ethnic minorities, and investment in housing and construction financing by insuring commercial lenders against loss. The purpose of the Supplemental EIS is to refine, update and supplement information contained in the previously certified EIS for the Santa Cruz Riverpark. The purpose of this notice is to solicit from all interested persons, local, state and Federal agencies, and community organizations, recommendations or comments regarding any issue that should be addressed in the proposed Supplement.

Description

The Rio Nuevo Redevelopment Project is a proposed land development on approximately 200 acres, intended to provide between 1100 and 1600 new dwelling units in a mixture of housing densities, types and prices. At least 30 percent of the housing will be for low and moderate income households. Portions of the land will be allocated for neighborhood and project-oriented commercial facilities, for recreation and for functional open space. The project will be undertaken in conjunction with channelization of the central section of the Santa Cruz River to provide flood protection. The project site is located north and south of West Congress Street, extending to St. Mary's Road and Mission Lane, immediately west of Interstate Highway 10. Certain improved properties such as existing motels are not to be acquired, but will be affected by the proposed improvements. The balance of the project area is to be acquired so that the land can be restored to a developable condition and redeveloped. The Santa Cruz River is the most unique natural feature, and it is proposed to be restored for purposes of flood protection, habitat preservation, ground water recharge, recreation, and enhancement of urban development.

The Santa Cruz Riverpark Environmental Impact Statement which was certified in 1977 addressed a wide range of environmental effects at varying levels of detail, depending upon available information. Some of these earlier analyses, to the extent that they still adequately address the potential effects of the project, will be incorporated by reference. Environmental effects that could be addressed or further analyzed in the Supplemental EIS include: alteration of the base 100 year floodplain area of the Santa Cruz River, impact on archaeological and cultural resources, socio-economic effects on adjoining residential neighborhoods, traffic and traffic-generated noise, community facilities and services including schools, and commercial employment/investment opportunities.

Need. The DDC in cooperation with HUD has determined that a Supplemental EIS is necessary due to the sized and the special environmental impacts associated with these activities. This determination is made in response to Section 102(2)(c) of Public Law 91-190, the National Environmental Policy Act of 1969; 24 CFR Part 50.31; and the implementing regulations of Executive Order 11988 which sets forth Floodplain Management protection procedures

applicable to Federally assisted land development projects.

Alternatives Perceived. The alternative actions perceived available to the DDC and HUD which will be given consideration in the Supplemental EIS are: (1) accept the project as approved to date; (2) revise the project as necessary to further mitigate environmental impacts; (3) overall redesign of the project; or, (4) rejection of the project.

Scoping Meeting. DDC in cooperation with HUD will hold a project "scoping" meeting in accord with Section 1507.1 of the implementing regulations of the National Environmental Policy Act. This meeting will be open to all persons, groups, organizations, public and private agencies. At this scoping meeting DDC and HUD wish to facilitate identification of all potential environmental impacts not presently known as set forth above. Information of local or state environmental concern is particularly solicited as well as private environmental organizational concerns. For further information on this scoping meeting, please contact Mr. Mosher at the address listed below. Comments in writing are also invited. This announcement and the "scoping" meeting are intended to satisfy steps 1 and 2 of the "Eight Step" review process associated with the implementing regulations of E.O. 11988 on Floodplain Management.

Comments. Comments or recommendations regarding the Supplemental EIS proposal should be sent on or before March 27, 1981, to: William Mosher, Acting Director, Downtown Development Corporation, Pioneer Plaza, Suite 907, 100 North Stone Avenue, Tucson, Arizona 85701, or call (602) 623-5427; or to William Shortall, Environmental Specialist, Department of Housing and Urban Development, 2500 Wilshire Boulevard, Room 604, Los Angeles, California 90057, or call (213) 688-5899 (FTS 798-5899).

Appendix—Withdrawal of Notice on Woodlake Trails Subdivision, Hanover, Illinois

Notice was published in the Federal Register, Volume 45, No. 11 on January 16, 1980, that the Department of Housing and Urban Development proposed to conduct an EIS on Woodlake Trails Subdivision in Hanover Park, Illinois.

This notice is intended to advise that the EIS process for the project is being terminated. The reason for HUD's decision to terminate is based upon the certification of the Village of Hanover Park under its Local Area Certification program, (LAC) as defined in 24 CFR 50.21(i) and HUD Handbook 4135.1 Revised.

Additional information may be obtained by writing to Mr. Eugene Goldfarb, Acting

Environmental Clearance Officer, Chicago Area Office, One North Dearborn, Chicago, Illinois 60602. The commercial number is (312) 886-5312. The FTS number is 886-5312.

[FR Doc. 81-7140 Filed 3-5-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Handbook for Interagency Participation by the U.S. Fish and Wildlife Service in Other Agencies' NEPA Processes

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service has prepared a handbook for interagency National Environmental Policy Act (NEPA) participation. The handbook will be used by Service personnel who participate in other agencies' NEPA processes, to include cooperating, scoping and EIS review/comment activities. This notice advises the public of the availability of this NEPA Interagency Participation Handbook.

DATES: The handbook was issued on November 14, 1980.

ADDRESS: The handbook is available for review in the Office of Environmental Coordination, 1375 K Street, NW., Washington, D.C. Copies may be obtained by writing to: Chief, Office of Environmental Coordination, Fish and Wildlife Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Noreen K. Clough, Office of Environmental Coordination, Fish and Wildlife Service, Washington, D.C. 20240, (202) 343-5685.

Dated: February 26, 1981.

F. Eugene Hester,
Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-7162 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-55-M

Riverbanks Zoological Park, et al.; Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Riverbanks Zoological Park, Columbia, SC; PRT 2-7716.

The applicant requests a permit to import in foreign commerce one captive-bred leopard (*Panthera pardus*) from the

Rotterdam Zoo, Rotterdam, Netherlands for enhancement of propagation.

Applicant: Barbara E. Granstaff, Temple University, Philadelphia, PA; PRT 2-7705.

The applicant requests a permit to import skeletal parts of black rhinoceroses (*Diceros bicornis*) from South Africa for scientific research.

Dr. Michael J. Harvey, Memphis State University, Memphis, TN; PRT 2-7703.

The applicant requests a permit to take Indiana bats (*Myotis sodalis*) from the wild during a capture, band, and release program in Kentucky for enhancement of survival.

Humane care and treatment during transport, if applicable, has been indicated by applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before April 6, 1981, by submitting written data, views, or arguments to the Director at the above address.

Dated: March 3, 1981.

Larry LaRochelle,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-7163 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-55-M

Thomas J. Brosnan; Endangered Species Permit; Receipt of Application

Applicant: Thomas J. Brosnan, 2000 W. Roller Coaster Rd., Tucson, AZ.

The applicant requests a permit to buy in interstate commerce one female leopard cat (*Felis bengalensis*) from Patricia Quillen, Society of Scientific Care, P.O. Box 7535, San Diego, CA, for propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7732. Interested persons may comment on this application on or before April 6, 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 3, 1981.

Larry LaRochelle,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-7164 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Indian Affairs

Approval of Petition for Reassumption of Jurisdiction Over Indian Child Custody Proceedings by the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Hayward, Wis.

February 20, 1981.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approval of Petition for Reassumption of Jurisdiction over Indian child custody proceedings.

SUMMARY: The Lac Courte Oreilles Tribe had previously filed a petition on January 31, 1980 with the Interior Department to reassume exclusive jurisdiction over child custody proceedings involving Indian children who reside or are domiciled on the Lac Courte Oreilles Reservation in Wisconsin. That petition was disapproved by the Assistant Secretary—Indian Affairs. Notice of that disapproval was published in the *Federal Register* on April 23, 1980.

The Lac Courte Oreilles Tribe has filed a second petition for the reassumption of exclusive jurisdiction over child custody proceedings. The Assistant Secretary—Indian Affairs has reviewed the second petition and determined that tribal exercise of jurisdiction is feasible, that the reasons for denial of the first petition had been remedied, and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Lac Courte Oreilles Tribe's petition by the Interior Department.

EFFECTIVE DATE: The Lac Courte Oreilles Tribe shall reassume exclusive jurisdiction May 5, 1981.

FOR FURTHER INFORMATION CONTACT: Office of the Field Solicitor, Department of Interior, 686 Federal Building, Fort Snelling, Twin Cities, Minnesota 55111, (612) 725-3540.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary—Indian Affairs to publish this notice is contained in 25 U.S.C. 1918(c), 25 CFR 13.14, and 209 DM 8.

The principal author of this document is Louise Zokan-Delos Reyes, Division of Social Services, Bureau of Indian

Affairs, Department of the Interior, Washington, D.C.

Section 108 of the Indian Child Welfare Act of 1978, Pub. L. 95-608, 92 Stat. 3074, 25 U.S.C. 1918, authorizes Indian tribes that occupy a reservation as defined in 25 U.S.C. 1903(10) over which a state asserts jurisdiction over Indian child custody proceedings pursuant to federal statute to reassume jurisdiction over such proceedings.

To reassume such jurisdiction a tribe must first file a petition in the manner prescribed in 25 CFR Part 13. The petition is then reviewed by the Interior Department using criteria set out in 25 CFR 13.12. If the Department finds that the tribe has submitted a suitable plan and that tribal exercise of jurisdiction is feasible, the petition is approved by publication in the *Federal Register*. Tribal reassumption becomes effective May 5, 1981.

Notice that the Lac Courte Oreilles Tribe had submitted a petition for reassumption of jurisdiction was published on page 81264 of the December 10, 1980 *Federal Register* (45 FR 81264). The following notice is based on the Interior Department's review of that petition.

Notice

This is notice that a petition for tribal reassumption of jurisdiction over Indian child custody proceedings filed by the Lac Courte Oreilles Tribe is approved effective sixty days after publication of this notice in the *Federal Register*.

The geographic area subject to the reassumption of jurisdiction is the Lac Courte Oreilles Reservation, Wisconsin.

James F. Canan,
Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-7149 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Serial Nos. A-15983, A-15987, A-15988, A-15989, and A-15990]

Arizona; Proposed Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. These applications have been assigned serial numbers A-15983,

A-15987, A-15988, A-15989, and A-15990.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer, and if found suitable for transfer, will classify the lands under Section 7 of the Act of June 28, 1934, and the regulations in Title 43 Code of Federal Regulations, Subpart 2400 for transfer in response to the State's request.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602-241-2854).

4. For a period of 60 days from the date of publication of this notice in the Federal Register, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona, 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this proposed classification are located in Pinal, Maricopa, Yavapai, and Yuma Counties, Arizona and are described as follows: (Footnotes correspond to numbered authorized users or applicants listed in Paragraph 6.)

Application A-15983

Gila and Salt River Meridian, Arizona

- T. 6 N., R. 2 E.,
 Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$.^{1 2 19 21 27}
 T. 7 N., R. 2 E.,
 Sec. 26, Lots 40-44 incl., 49, 52, 53, 55, 56, 58,
 N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.^{1 2 3 19 21}
 T. 6 N., R. 3 E.,
 Sec. 12, NE $\frac{1}{4}$;
 Sec. 29, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$
 NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
 SW $\frac{1}{4}$.^{2 22}
 T. 7 N., R. 3 E.,
 Sec. 30; Lots, 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$.^{3 21}
 T. 6 N., R. 4 E.,
 Sec. 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$

The area described in application A-15983 totals approximately 680.62 acres of public land.

Application A-15987

Gila and Salt River Meridian, Arizona

- T. 4 N., R. 1 E.,

- Section 3, Lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$.³⁵
 Section 6, Lot 33.^{23 35}
 T. 5 N., R. 1 E.,
 Sec. 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$.^{4 24}
 Sec. 30, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.^{2 24 35}
 Sec. 31, Lots 1, 2, 3, 4, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$,
 SE $\frac{1}{4}$ SE $\frac{1}{4}$.^{2 4 23 24 35}
 T. 4 N., R. 1 W.,
 Sec. 1, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.^{2 4 23 35}
 Sec. 3, Lots 3, 4.^{24 35}
 Sec. 4, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.^{2 5 6 7 24 35}
 Sec. 12, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.^{2 8 9 23 35}
 Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$.^{23 35}
 Sec. 24, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SW $\frac{1}{4}$.^{1 2 10 23 29 35}
 T. 5 N., R. 1 W.,
 Sec. 21, S $\frac{1}{2}$.^{24 35}
 Sec. 28, All.^{7 24 35}
 Sec. 29, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$.^{24 35}
 Sec. 33, Lots 3, 4, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.^{5 6 7 24 35}
 Sec. 34, Lots 1, 2, 3, 4, NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$.^{24 35}
 Sec. 35, Lot 1.^{24 35}

The area described in application A-15987 totals approximately 4,425.13 acres of public land.

Application A-15988

Gila and Salt River Meridian, Arizona

- T. 5 N., R. 1 W.,
 Sec. 5, Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.^{24 35}
 Sec. 6, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$.^{24 35}
 Sec. 7, Lots 1, 2, 3, 4, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.^{24 35}
 T. 6 N., R. 1 W.,
 Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$.^{24 36}
 Sec. 30, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$.^{11 24 36}
 Sec. 31, Lots 1, 2, 3, 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$.^{1 1 24 29 30 37}
 T. 6 N., R. 2 W.,
 Sec. 22, S $\frac{1}{2}$.^{24 31 35}
 Sec. 23, S $\frac{1}{2}$.^{24 35}
 Sec. 25, Lots 1, 2, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
 SE $\frac{1}{4}$.^{11 12 24 35}
 Sec. 26, All.^{11 12 24 35}
 Sec. 27, All.^{11 24 35}
 Sec. 34, All.^{12 24 32 35}
 Sec. 35, All.^{12 24 35}
 Sec. 36, All.^{11 12 24 35}

The area described in application A-15988 totals approximately 6,682.95 acres of public land.

Application A-15989

Gila and Salt River Meridian, Arizona

- T. 4 N., R. 1 E.,
 Sec. 8, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 3 N., R. 13 W.,
 Sec. 8, E $\frac{1}{2}$ SE $\frac{1}{4}$.^{9 11 25}
 Sec. 17, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ (that portion
 north of CAP R/W).^{11 25}
 T. 1 S., R. 4 W.,
 Sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$ (that portion north of
 Arlington Canal).¹
 Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, those
 portions of NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ north of Arlington Canal.

The area described in application A-15989 totals approximately 228.00 acres of public land.

Application A-15990

Gila and Salt River Meridian, Arizona

- T. 5 N., R. 1 W.,
 Sec. 12, W $\frac{1}{2}$.²⁴
 Sec. 13, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.²⁴
 Sec. 14, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.²⁴
 Sec. 22, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.^{2 35}
 Sec. 24, Lots 1, 2.^{24 35}
 T. 14 N., R. 1 W.,
 Sec. 29, Unpatented MS in N $\frac{1}{2}$.⁹
 Sec. 31, Lots 14-22 incl.^{1 2 11 13}
 T. 7 N., R. 2 E.,
 Sec. 15, Unpatented land west of Hwy. I-17
 in E $\frac{1}{2}$.^{11 14 21}
 Sec. 34, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$,
 SW $\frac{1}{4}$ NW $\frac{1}{4}$.^{11 15 16 17 20 21}
 T. 5 S., R. 5 E.,
 Sec. 13, Lots 6, 7, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.^{14 26 38}
 Sec. 24, Lot 1, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$.^{26 38}

- T. 5 S., R. 6 E.,
 Sec. 17; W $\frac{1}{2}$.^{26 33 34 38}
 Sec. 18; Lots 4, 5, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.^{14 18 26 38}

The area described in application A-15990 totals approximately 2,363.77 acres of public land.

The total acreage described above in applications A-15983, A-15987, A-15988, A-15989, and A-15990 is approximately 14,380.47 acres of public land.

The following listed corporations and individuals are holders of valid leases, permits, and/or rights-of-way on the public lands described in Paragraph 5 above:

¹ Mountain States Tel. & Tel., R/W Department, 3033 North 3rd Street, Room 806-A, Phoenix, AZ 85012, R/W PHX-068718, R/W A-4475, R/W A-9045, R/W A-11068, R/W A-13906.

² Arizona Public Service, P.O. Box 21666, Station 3172, Phoenix, AZ 85036, R/W AR-033379, R/W AR-035770, R/W A-1201, R/W A-6014, R/W A-6121, R/W A-6492, R/W A-6693, R/W A-6830, R/W A-7731, R/W A-11676.

³ Maricopa County Board of Supervisors, 111 South 3rd Avenue, Phoenix, AZ 85003, R/W A-12156, R/W A-13944.

⁴ Maricopa County Municipal Water, Conservation District No. 1, P.O. Box 730, Peoria, AZ 85345, R/W PHX-086584.

⁵ Paul C. Chord, 28003 N. 147th Avenue, Peoria, AZ 85345, R/W A-10836.

⁶ Ronald Hobbs, Box 1722, Sun City, AZ 85372, R/W A-13141.

⁷ Herman Drucker, 8507 E. Hazelwood, Scottsdale, AZ 85251, R/W A-13976.

⁸ Salt River Project, P.O. Box 1980, Phoenix, AZ 85001, R/W A-5985.

⁹ Water & Power Resources Service, Box 427, Boulder City, NV 89005, R/W PHX-085401, R/W A-6448, WDL Apln A-997.

¹⁰ Maricopa County Flood Control Dist., 3325 W. Durango Street, Phoenix, AZ 85009, R/W A-9554.

¹¹ Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007,

R/W PHX-086031, R/W AR-023757, R/W AR-031625, R/W A-390.

¹² Kaiser Steel, Executive Offices, 300 Lakeside Drive, Oakland, CA 94612, R/W AR-016977.

¹³ County Engineer, Yavapai County, Prescott, AZ 86301, R/W AR-033153.

¹⁴ El Paso Gas Co., P.O. Box 1492, El Paso, TX 79978, R/W AR-05190, R/W AR-010913.

¹⁵ Maricopa County Highway Department, 3325 W. Durango Street, Phoenix, AZ 85009, R/W AR-035360, R/W AR-035360-A.

¹⁶ Elwood Evans, 2720 W. Redfield Road, Phoenix, AZ 85023, R/W A-15011.

¹⁷ Charles Aumiller, 1833 Black Canyon Stage, Phoenix, AZ 85029, R/W A-16126.

¹⁸ Arizona Water Company, Box 5396, Phoenix, AZ 85010, R/W A-8839.

¹⁹ Geological Survey, U.S. Department of the Interior, Conservation Division, 345 Middlefield Road, Menlo Park, CA 94025, O Int PR 4/18/36, PWR PROJ AR-150, SO Intpr 5/5/52, Wdl Pwr Proj 150.

²⁰ Bureau of Land Management, Phoenix District Office, 2929 W. Clarendon Avenue, Phoenix, AZ 85017, SO 2/4/1919, Wdl Stock Driveway, 56 (AR-2).

²¹ John Vanderway, 2241 E. Colter Street, Phoenix, AZ 85016.

²² Willis E. Harper, 9137 Gregg Drive, Chandler, AZ 85224.

²³ Larry and/or Fern Rose, P.O. Box 293, Peoria, AZ 85345.

²⁴ Jeff McGuire, P.O. Box 175, Wittman, Arizona, 85361.

²⁵ Kemper Brown, Box 375, Salome, Arizona 85348.

²⁶ Scott, Scott, and McDavid, P.O. Box 803, Meas, AZ 85201.

²⁷ Tank, #1690.

²⁸ Fence, #0349.

²⁹ Well, Corral, St. Tank, #1140.

³⁰ Pipeline, #4148.

³¹ Fence, #2246.

³² Tank, #0283.

³³ Tank, #0553.

³⁴ Corral, #3527.

³⁵ American Quazar Petroleum 1700 Broadway, Suite 707, Denver, CO 80290, A-12788, A-12792, A-12794, A-12795, A-12796, A-12797, A-12798, A-12799, A-12800, A-12801, A-12803.

³⁶ Energy Reserves Group Inc., P.O. Box 1407, Denver, CO 80201, A-15029.

³⁷ Pioneer Production Corp., P.O. Box 2542, Amarillo, TX 79189, A-14538.

³⁸ David D. Murray, Route 1, Box 156, Coolidge, AZ 85228, A-12690, A-12692.

Dated: February 27, 1981.

William K. Barker,

District Manager.

[FR Doc. 81-7143 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial Numbers A-15984, A-15985, A-15986]

Arizona; Proposed Classification of Public Lands for State Indemnity Selection

In the Federal Register Document 81-4375 appearing on pages 11368 and 11369 of the issue for February 6, 1981,

the following changes should be made for application A-15984:

Under T. 6 S., R. 6 W., delete Sec. 25: NE $\frac{1}{4}$; ^{9, 36}.

Add the following:

T. 6 S., R. 7 W.

Section 25: NE $\frac{1}{4}$, ^{9, 36}.

The following change should be made for application A-15985:

Under T. 4 S., R. 4 W., Section 23: W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ should be W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Dated: February 27, 1981.

W. K. Barker,

District Manager.

[FR Doc. 81-7144 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 81-9]

Sun Valley Grazing Draft Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM has prepared a draft environmental impact statement (DEIS) on proposed livestock grazing management for the Sun Valley Planning Area of the Shoshone District in south-central Idaho. The proposal would adjust stocking rates, establish new grazing systems, and provide for additional range improvements on a portion of the 97 allotments encompassing approximately 245,000 acres of public land.

DATE: Comments on the DEIS should be submitted to the Shoshone District Office no later than April 30, 1981.

ADDRESS: Comments should be sent to the Shoshone District Office, Attention EIS Team Leader, P.O. Box 2 B, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Terry Costello, EIS Team Leader, at the above address. Telephone (208) 886-2208 or FTS 554-6576.

SUPPLEMENTARY INFORMATION: Copies of the DEIS are being distributed to a mailing list of identified interested parties. A limited number of additional copies are available at the above address. Reviewers are encouraged to retain the DEIS for future reference because the final EIS may not repeat all of the information in the DEIS.

An open house will be held at the Shoshone District Office from 1:00 to 8:00 P.M., on Thursday, April 2, 1981, to answer questions and receive comments

on the accuracy and adequacy of the DEIS.

R. O. Buffington,
State Director, Idaho.

[FR Doc. 81-7145 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-84-M

Lewistown Grazing Advisory Board, Mont.; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given that the Lewistown District Grazing Advisory Board will meet March 20, 1981. The agenda will be:

10:00 a.m.—Review of last meeting's minutes.

10:15 a.m.—Current range conditions in northeastern Montana and their effects upon range improvement construction and AMP administration.

2:30 p.m.—Public comments.

3:00 p.m.—Adjournment.

DATE: March 20, 10:00 a.m. to 3:00 p.m.

ADDRESS: Lewistown District Office, Airport Road, Lewistown, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown District, Drawer 1160, Lewistown, Montana 59457 (406/538-7461).

SUPPLEMENTAL INFORMATION: The Lewistown District Grazing Advisory Board is authorized under Section 403 of the Federal Land and Management Act of 1976 (Pub. L. 94-579).

Dated: March 2, 1981.

Alan Kesterke,

Acting District Manager.

[FR Doc. 81-7314 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

Privacy Act of 1974; Revision and Update of Notices of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing which systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. All changes being published are editorial in nature, and reflect organization and minor administrative changes which have occurred since the publication of the material in the Federal Register on April 11, 1977 (42 FR 18968).

Part XIV of the Appendix containing addresses of facilities of the Department which pertain to the National Park Service (published at 42 FR 19002) is updated and republished.

The following system notices are updated and republished in their entirety below:

1. System Name: Special Use Permits—Interior, NPS-1 (Published at 42 FR 19072).

2. System Name: Position and Manpower Reporting System (PMRS)—Interior, NPS-16 (Published at 42 FR 19076).

3. System Name: Law Enforcement Statistical Reporting System, incident card reference and related files—Interior, NPS-19 (Published at 42 FR 19077).

4. System Name: Visitor Statistical Survey Forms—Interior, NPS-21 (Published at 42 FR 19078).

Additional information regarding this notice may be obtained from the Departmental Privacy Act Officer, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-6191.

Dated: February 27, 1981.

William L. Kendig,

Deputy Assistant Secretary of the Interior.

* * * * *

XIV. National Park Service

Abraham Lincoln Birthplace National Historic Site, Route 1, Hodgenville, KY 42748

Acadia National Park, R.F.D. 1, Box 1, Bar Harbor, ME 04609

Adams National Historic Site, P.O. Box 531, Quincy, MA 02269

Agate Fossil Beds National Monument, c/o Scotts Bluff National Monument, P.O. Box 427, Gering, NE 69341

Alaska Area Office, National Park Service, 540 West 5th Avenue, Room 202, Anchorage, AK 99501

Alibates Flint Quarries National Monument, c/o Superintendent, Lake Meredith Recreation Area, P.O. Box 1438, Fritch, TX 79036

Allegheny Portage Railroad National Historic Site, National Park Service, P.O. Box 247, Cresson, PA 16630

American Memorial Park, P.O. Box 198, CHR, Saipan, CMI 96950

Amistad Recreation Area, P.O. Box 1463, Del Rio, TX 78840

Andersonville National Historic Site, Andersonville, GA 31711

Andrew Johnson National Historic Site, Depot Street, Greeneville, TN 37743

Aniakchak National Monument, c/o Katmai National Monument, P.O. Box 7, King Salmon, AK 99613

Antietam National Battlefield, P.O. Box 158, Sharpsburg, MD 21782

Antietam Natl Cemetery, c/o Antietam Natl Battlefield, Box 158, Sharpsburg, Md 21782

Apostle Islands National Lakeshore, 1972 Centennial Drive, Rural Route, Bayfield, WI 54814

Appalachian National Scenic Trail, Federal Building, King and Maple Streets, Martinsburg, WV 25401

Appalachian trail Central, Gallery, on the Mall, 940 Hamilton Mall, Allentown, PA 18101

Appalachian Trail North, 8 Campbell Street, Lebanon, NH 03766

Appalachian Trail South, Federal Building, King and Maple Streets, Martinsburg, WV 25401

Appomattox Court House National Historical Park, P.O. Box 218, Appomattox, VA 24522

Arches National Park, c/o Canyonlands National Park, 446 S. Main Street, Moab, UT 84532

Arkansas Post National Memorial, Route 1, Box 16, Gillett, AR 72055

Arlington House, the Robert E. Lee Memorial, c/o George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101

Assateague Island National Seashore, Route 2, Box 294, Berlin, MD 21811

Asst. to the Regional Director (Utah), National Park Service, 125 South State Street, Room 3418, Salt Lake City, UT 84138

Aztec Ruins National Monument, P.O. Box U, Aztec, NM 87410

Badlands National Park, P.O. Box 6, Interior, SD 57750

Baltimore-Washington Parkway, c/o Catocin Mountain Park, Thurmont, MD. 21788

Bandelier National Monument, Los Alamos, NM 87544

Battleground Natl Cemetery, c/o Supt, Natl Cap Pk-East, 5210 Indian Head Hgwy., Oxon Hill, MD 20021

Benjamin Franklin Natl Memorial c/o the Franklin Institute, 20th Street and Benjamin Franklin Parkway, Philadelphia, PA 19103

Bent's Old Fort National Historic Site, P.O. Box 581, La Junta, CO 81050

Bering Land Bridge National Monument, c/o Alaska Area Office, 540 W. 5th

Avenue, Room 202, Anchorage, AK 99501

Big Bend National Park, Big Bend National Park, TX 79834

Big Cypress Land Acquisition Office, National Park Service, P.O. box 1515, Naples, FL 33940

Big Cypress National Preserve, P.O. Box 1247, Naples, FL 33939

Big Hole National Battlefield, P.O. Box 237, Wisdom, MT 59761

Big South Fork National River and Recreation Area, P.O. Drawer 630, Oneida, TN 37841

Big Thicket National Preserve, P.O. Box 7408, Beaumont, TX 77706

Bighorn Canyon National Recreation Area, P.O. Box 458, Fort Smith, MT 59035

Biscayne National Monument, P.O. Box 1369, Homestead, FL 33030

Black Canyon of the Gunnison National Monument, P.O. Box 1648, Montrose, CO 81401

Blue Ridge Parkway, 700 Northwestern Banking Building, Asheville, NC 28801

Blue Ridge Parkway (North District Management), P.O. Box 1710, Roanoke, VA 24008

Blue Ridge Parkway (North District Operations), Roanoke Maintenance Area, RFD #1, Box, 39D, Vinton, VA 24179

Blue Ridge Parkway (South District), P.O. Box 9098, Asheville, NC 28805

Boise Interagency Fire Center, National Park Service, 3905 Vista Avenue, Boise, ID 83705

Booker T. Washington National Monument, Route 1, Box 195, Hardy, VA 24101

Boston National Historical Park, Charlestown Navy Yard, Boston, MA 02129

Brices Cross Roads National Battlefield Site, c/o Natchez Trace Parkway, R.R. 1, NT-143, Tupelo, MS 38801

Bryce Canyon National Park, Bryce Canyon, UT 84717

Buck Island Reef National Monument, c/o Christiansted National Historic Site, P.O. Box 160, Christiansted, Saint Croix, VI 00820

Buffalo National River, P.O. Box 1173, Harrison, AR 72601

Buffalo River Land Acquisition Office, P.O. Box 1073, Harrison, AR 72601

Cabrillo National Monument, P.O. Box 6175, San Diego, CA 92106

Canaveral National Seashore, P.O. Box 2583, Titusville, FL 32780

- Canyon de Chelly National Monument, P.O. Box 588, Chinle, AZ 86503
- Canyonlands National Park, 446 South Main Street, Moab, UT 84532
- Cape Cod National Seashore, South Wellfleet, MA 02663
- Cape Hatteras National Seashore, Route 1, Box 675, Manteo, NC 27954
- Cape Krusenstern National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
- Cape Lookout National Seashore, P.O. Box 690, Beaufort, NC 28516
- Capitol Reef National Park, Torrey, UT 84775
- Capulin Mountain National Monument, Capulin, NM 88414
- Carl Sandburg Home National Historic Site, P.O. Box 395, Flat Rock, NC 28731
- Carlsbad Caverns Natl. Park, 3225 National Parks Highway, Carlsbad, NM 88220
- Casa Grande National Monument, P.O. Box 518, Coolidge, AZ 85228
- Castillo de San Marcos National Monument, 1 Castillo Drive, St. Augustine, FL 32084
- Castle Clinton National Monument, c/o Manhattan Sites, 26 Wall Street, New York, NY 10005
- Catoclin Mountain Park, Thurmont, MD 21788
- Cedar Breaks National Monument, P.O. Box 749, Cedar City, UT 84720
- Chaco Canyon National Monument, Star Route 4, Box 6500, Bloomfield, NM 87413
- Chamizal National Memorial, Room 620, First City Nat'l Bank Bldg., 300 East Main Drive, El Paso, TX 79901
- Channel Islands Nat'l Park, 1699 Anchors Way Drive, Ventura, CA 93003
- Chattahoochee River National Recreational Area, P.O. Box 1396, Smyrna, GA 30080
- Cherokee Strip Living Museum, P.O. Box 230, Arkansas City, KS 67005
- Chesapeake and Ohio Canal National Historical Park, P.O. Box 4, Sharpsburg, MD 21782
- Chicago Portage National Historic Site, c/o Cook County Forest Preserve, Cummings Square, River Forest, IL
- Chickamauga & Chattanooga National Military Park, P.O. Box 2126, Ft. Oglethorpe, GA 30742
- Chickasaw National Recreation Area, P.O. Box 201, Sulphur, OK 73086
- Chimney Rock National Historic Site, c/o Nebraska State Historical Society, 1500 R Street, Lincoln, NE 68508
- Chiricahua National Monument, Dos Cabezas Star Route, Willcox, AZ 85643
- Christiansted National Historic Site, P.O. Box 160, Christiansted, VI 00820
- Clara Barton Nat'l Hist Site, c/o George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101
- Colonial National Historical Park, P.O. Box 210, Yorktown, VA 23690
- Colorado National Monument, Fruita, CO 81521
- Congaree Swamp National Monument, P.O. Box 11938, Columbia, SC 29211
- Coronado National Memorial, Rural Route 1, Box 126, Hereford, AZ 85615
- Coulee Dam National Recreation Area, P.O. Box 37, Coulee Dam, WA 99116
- Cowpens National Battlefield, c/o Kings Mountain National Military Park, P.O. Box 31, Kings Mountain, NC 28086
- Crater Lake Administrative Office, NPS, P.O. Box 128, Klamath Falls, Oregon 97601
- Crater Lake National Park, P.O. Box 7, Crater Lake, OR 97604
- Craters of the Moon National Monument, P.O. Box 29, Arco, ID 83213
- Cumberland Gap National Historical Park, P.O. Box 840, Middlesboro, KY 40965
- Cumberland Island National Seashore, P.O. Box 806, Saint Marys, GA 31558
- Curecanti National Recreation Area, P.O. Box 1040, Gunnison, CO 81230
- Custer Battlefield National Monument, P.O. Box 39, Crow Agency, MT 59022
- Cuyahoga Valley Land Acquisition Office, 313 W. Boston Mills Road, Peninsula, OH 44264
- Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, OH 44264
- Death-Valley National Monument, Death Valley, CA 92328
- Delaware National Scenic River, c/o Delaware Water Gap National Recreation Area, Bushkill, PA 18324
- Delaware Water Gap National Recreation Area, Bushkill, PA 18324
- Denali National Monument, c/o Mount McKinley National Park, P.O. Box 9, McKinley Park, AK 99755
- Denver Service Center, National Park Service, 755 Parfet Street, P.O. Box 25287, Denver, CO 80225
- Desoto National Memorial, National Park Service, 75th Street NW., Bradenton, FL 33505
- Devils Postpile National Monument, c/o Sequoia and Kings Canyon National Parks, Three Rivers, CA 93271
- Devils Tower, National Monument, Devils Tower, WY 82714
- Dinosaur National Monument, P.O. Box 210, Dinosaur, CO 81610
- Div of Cultural Research, SW Cultural Resources Center, National Park Service, Albuquerque, N. Mex. 87125
- Div of Remote Sensing, SW Cultural Resources Center, National Park Service, P.O. Box 26716, Albuquerque, N. Mex. 87125
- Dorchester Heights National Historic Site, P.O. Box 75, South Boston, MA 02127
- Ebey's Landing National Historic Reserve, P.O. Box 774, Coupeville, WA 98239
- Edgar Allan Poe National Historic Site, c/o Independence National Historical Park, 313 Walnut Street, Philadelphia, PA 19106
- Edison National Historic Site, Main Street and Lakeside Avenue, West Orange, NJ 07052
- Effigy Mounds National Monument, P.O. Box K, McGregor, IA 52157
- Eisenhower National Historic Site, c/o Gettysburg National Military Park, Gettysburg, PA 17325
- El Morro National Monument, Ramah, NM 87321
- Eleanor Roosevelt National Historic Site, Hyde Park, NY 12538
- Ellis Island National Monument, c/o Statue of Liberty National Monument, Liberty Island, NY 10004
- Eugene O'Neill National Historic Site, c/o John Muir National Historic Site, 4202 Alhambra Avenue, Martinez, CA 94553
- Everglades National Park, P.O. Box 279, Homestead, FL 33030
- Father Marquette Memorial, Straits State Park, St. Ignace, MI 49781
- Federal Hall National Memorial, 26 Wall Street, New York, NY 10005
- Fire Island National Seashore, 120 Laurel Street, Patchogue, NY 11772
- Florissant Fossil Beds National Monument, P.O. Box 185, Florissant, CO 80816
- Ford's Theatre National Historic Site, c/o National Capital Parks-Central, 900 Ohio Drive, SW., Washington, DC 20242
- Fort Bowie National Historic Site, P.O. Box 158, Bowie, AZ 85615
- Fort Caroline National Memorial, 12713 Ft. Caroline Road, Jacksonville, FL 32225
- Fort Clatsop National Memorial, Route 3, Box 604-FC, Astoria, OR 97103
- Fort Davis National Historic Site, P.O. Box 1456, Fort Davis, TX 79734
- Fort Donelson National Military Park, P.O. Box F, Dover, TN 37058
- Fort Donelson National Cemetery, c/o Fort Donelson National Military Park, P.O. Box F, Dover, TN 37058
- Fort Frederica National Monument, Route 4, Box 286-C, St. Simons Island, GA 31522
- Fort Jefferson National Monument, c/o Superintendent, Everglades National Park, P.O. Box 279, Homestead, FL 33030
- Fort Laramie National Historic Site, Fort Laramie, WY 82212
- Fort Larned National Historic Site, Route 3, Larned, KS 67550

- Fort Matanzas National Monument, c/o Castillo De San Marcos NM, 1 Castillo Drive, St. Augustine, FL 32084
- Fort McHenry National Monument and Historic Shrine, East Fort Avenue, Baltimore, MD 21230
- Fort Moultrie, c/o Superintendent, Fort Sumter National Monument, 1214 Middle Street, Sullivan's Island, SC 29432
- Fort Necessity National Battlefield, The National Pike, Farmington, PA 15437
- Fort Point National Historic Site, P.O. Box 29333, Building 989, Presidio of San Francisco, CA 94129
- Fort Pulaski National Monument, P.O. Box 98, Savannah Beach, GA 31328
- Fort Raleigh National Historic Site, c/o Cape Hatteras National Seashore, Route 1, Box 457, Manteo, NC 27954
- Fort Scott National Historic Site, Old Fort Boulevard, Fort Scott, KS 66701
- Fort Smith National Historic Site, P.O. Box 1406, Fort Smith, AR 72902
- Fort Stanwix National Monument, 112 East Park Street, Rome, NY 13440
- Fort Sumter National Monument, P.O. Drawer R, Sullivan's Island, SC 29482
- Eort Union National Monument, Watrous, NM 87753
- Fort Union Trading Post National Historic Site, Buford Route, Williston, ND 58801
- Fort Vancouver National Historic Site, Vancouver, WA 98661
- Fort Washington Park, c/o National Capital Region—East, 5210 Indian Head Highway, Oxon Hill, MD 20021
- Fossil Butte National Monument, P.O. Box 527, Kemmerer, WY 83101
- Frederick Douglass Home, c/o National Capital Region—East, 5210 Indian Head Highway, Oxon Hill, MD 20021
- Fredericksburg and Spotsylvania National Military Park, P.O. Box 679, Fredericksburg, VA 22401
- Fredericksburg National Cemetery, c/o Superintendent, Fredericksburg, P.O. Box 679, Fredericksburg, VA 22401
- Frederick Law Olmstead National Historic Site, 99 Warren Street, Brookline, MA 02146
- Friendship Hill National Historic Site, c/o Fort Necessity National Battlefield, The National Pike, Farmington, PA 15437.
- Gates of the Arctic National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
- Gateway National Recreation Area, Floyd Bennett Field, Bldg. 69, Brooklyn, NY 11234
- General Grant National Memorial, Riverside Drive and 122nd Street, New York, NY 10027
- George Rogers Clark National Historical Park, 401 South Second Street, Vincennes, IN 47591
- George Washington Birthplace National Monument, Washington's Birthplace, VA 22575
- George Washington Carver National Monument, P.O. Box 38, Diamond, MO 64840
- George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101
- Georgia O'Keeffe, National Historic Site, Abiquie, NM
- Gettysburg National Military Park, Gettysburg, PA 17325
- Gettysburg National Cemetery, R.D. 1, Gettysburg, PA 17325
- Gila Cliff Dwellings National Monument, Route 11, Box 100, Silver City, NM 88061
- Glacier Bay National Monument, P.O. Box 1089, Juneau, AK 99802
- Glacier National Park, West Glacier, MT 59936
- Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040
- Glen Echo Park, c/o George Washington Memorial Pkwy, Turkey Run Park, McLean, VA 22101
- Gloria Dei (Old Swedes) Church NHS, c/o Independence NHP, 313 Walnut St., Philadelphia, PA 19106
- Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123
- Golden Spike National Historic Site, P.O. Box 394, Brigham City, UT 84302
- Gran Quivira National Monument, Route 1, Mountainair, NM 87036
- Grand Canyon National Park, P.O. Box 129, Grand Canyon, AZ 86023
- Grand Portage National Monument, P.O. Box 666, Grand Marais, MN 55604
- Grand Teton National Park, P.O. Drawer 170, Moose, WY 83012
- Grant-Kohrs Ranch National Historic Site, P.O. Box 790, Deer Lodge, MT 59722
- Great Falls Park, c/o George Washington Memorial Pkwy, Turkey Run Park, McLean, VA 22101
- Great Onyx Job Corps Civilian Conservation Center, P.O. Box 8, Mammoth Cave, KY 42259
- Great Sand Dunes National Monument, P.O. Box 60, Alamosa, CO 81101
- Great Smoky Mountains National Park, Gatlinburg, TN 37738
- Greenbelt Park, c/o Catoclin Mountain Park, Thurmont, MD 21788
- Guadalupe Mountains Natl Park, c/o Carlsbad Caverns Natl Park, 3225 Natl Parks Highway, Carlsbad, NM 88220
- Guilford Courthouse National Military Park, P.O. Box 9806, Greensboro, NC 27408
- Gulf Islands National Seashore-Florida District, P.O. Box 100, Gulf Breeze, FL 32561
- Gulf Islands National Seashore-Headquarters, P.O. Box 100, Gulf Breeze, FL 32561
- Haleakala National Park, P.O. Box 537, Makawao, Maui, HI 96768
- Hamilton Grange National Memorial, 287 Convent Avenue, New York, NY 10031
- Hampton National Historic Site, c/o Fort McHenry Monument and Historic Shrine, Baltimore, MD 21230
- Harpers Ferry Center, Natl Park Service, Harpers Ferry, WV 25425
- Harpers Ferry National Historical Park, P.O. Box 65, Harpers Ferry, WV 25425
- Hawaii Volcanoes National Park, Hawaii Volcanoes National Park, HI 96718
- Herbert Hoover National Historic Site, P.O. Box 607, West Branch, IA 52358
- Hohokam Pima National Monument, c/o Superintendent, Casa Grande Ruins, NM, P.O. Box 518, Coolidge, AZ 85228
- Home of FDR Natl Historic Site, Hyde Park, NY 12538
- Homestead National Monument of America, R.F.D. 3, Beatrice, NE 68310
- Hopewell Village National Historic Site, R.D. 1, Box 345, Elverson, PA 19520
- Horsehoe Bend National Military Park, Route 1, Box 103, Daviston, AL 36256
- Hot Springs National Park, P.O. Box 1860, Hot Springs, AR 71901
- Hovenweep National Monument, c/o Mesa Verde National Park, Mesa Verde National Park, CO 81330
- Hubbell Trading Post National Historic Site, P.O. Box 150, Ganado, AZ 86505
- Ice Age National Scientific Reserve, c/o NPS Coordinator, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102
- Independence National Historical Park, 313 Walnut Street, Philadelphia, PA 19106
- Indiana Dunes Land Acquisition Office, Suite 551, Marquette Mall, Michigan City, IN 46360
- Indiana Dunes National Lakeshore, Route 2, Box 139A, Chesterton, IN 46304
- International Peace Gardens, c/o National Park Service, 655 Parfet St., Box 25287, Denver, CO 80225
- Isle Royale National Park, 87 North Ripley Street, Houghton, MI 49931
- Jamestown Natl Historic Site, c/o Supt Colonial Natl Hist Park, P.O. Box 210, Yorktown, VA
- Jean Lafitte National Historical Park, 400 Royal Street, Room 200, New Orleans, LA 70130
- Jefferson Memorial, c/o National Capital Parks-Central, 900 Ohio Drive, S.W., Washington, D.C. 20242
- Jefferson National Expansion Memorial National Historic Site, 11 North Fourth Street, St. Louis, MO 63102
- Jewel Cave National Monument, c/o Superintendent, Wind Cave National Park, Hot Springs, SD 57747

- John D. Rockefeller, Jr., Memorial Parkway, c/o Grand Teton National Park, P.O. Drawer 170, Moose, WY 83012
- John Day Fossil Beds National Monument, P.O. Box 415, John Day, OR 97845
- John F. Kennedy Center for the Performing Arts, Washington, D.C. 20566
- John Fitzgerald Kennedy National Historic Site, 83 Beals Street, Brookline, MA 02146
- John Muir National Historic Site, 4202 Alhambra Avenue, Martinez, CA 94553
- Johnstown Flood National Memorial, P.O. Box 247, Cresson, PA 16630
- Joshua Tree National Monument, 74485 National Monument Drive, Twentynine Palms, CA 92277
- Kaloko-Honokohau N.H.P., c/o Pacific Area Director, 300 Ala Moana Blvd., Honolulu, HI 96850
- Katmai National Monument, P.O. Box 7, King Salmon, AK 99613
- Kenai Fjords National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
- Kennesaw Mountain National Battlefield Park, P.O. Box 1167, Marietta, GA 30061
- Kings Mountain National Military Park, P.O. Box 31, Kings Mountain, NC 28086
- Klamath Falls Group, P.O. Box 128, Klamath Falls, OR 97601
- Klondike Gold Rush Natl Hist Park—Seattle Unit, Seattle, Wash 98104
- Klondike Gold Rush Natl Hist Park, P.O. Box 517, Skagway, AK 99840
- Knife River Indian Villages National Historic Site, P.O. Box 175, Stanton, ND 58571
- Kobuk Valley National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
- Lake Chelan National Recreation Area, Chelan, WA 98816
- Lake Clark National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
- Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, NV 89005
- Lake Meredith Recreation Area, P.O. Box 1438, Fritch, TX 79036
- Lassen Volcanic National Park, Mineral, CA 96063
- Lava Beds Natl Monument, P.O. Box 867, Tulelake, CA 96134
- LBJ Mem Grove-on-the-Potomac, c/o supt, GW Memorial Pkwy, Turkey Run Park, McLean, VA 22101
- Lehman Caves National Monument, Baker, NV 89311
- Lewis and Clark Natl Hist Trail, c/o National Park Service, 1709 Jackson St., Omaha, NE 68102
- Lincoln Boyhood National Memorial, Lincoln City, IN 47552
- Lincoln Home National Historic Site, 526 South 7th Street, Springfield, IL 62703
- Lincoln Memorial, c/o Central Visitor Services, 1100 Ohio Drive, S.W., Washington, D.C. 20242
- Longfellow National Historic Site, 105 Brattle Street, Cambridge, MA 02135
- Los Angeles Field Office, National Park Service, 300 North Los Angeles Street, Room 1013, Los Angeles, CA 90012
- Lowell National Historical Park, 171 Merrimack Street, P.O. Box 1098, Lowell, MA 01853
- Lower Saint Croix River, P.O. Box 708, Saint Croix Falls, WI 54024
- Lyndon B. Johnson National Historic Site, P.O. Box 329, Johnson City, TX 78636
- Maggie L. Walker National Historic Site, c/o Richmond National Battlefield Park, 3215 East Broad Street, Richmond, VA 23223
- Mammoth Cave National Park, Mammoth Cave, KY 42259
- Manassas National Battlefield Park, P.O. Box 1830, Manassas, VA 22110
- Manhattan Sites, 26 Wall Street, New York, NY 10005
- Mar-A-Lago National Historic Site, P.O. Box 2527, Palm Beach, FL 33480
- Martin Van Buren National Historic Site, P.O. Box 545, Kinderhook, NY 12106
- McLoughlin House Natl Hist Site, c/o Supt, Ft Vancouver Natl Hist Site, Vancouver, WA 98661
- Mesa Verde National Park, Mesa Verde National Park, CO 81330
- Mid-Atlantic Regional Office, NPS, 143 South Third St., Philadelphia, PA 19106
- Midwest Regional Office, NPS, 1709 Jackson St., Omaha, NE 68102
- Minute Man National Historic Site, P.O. Box 160, Concord, MA 01742
- Monacacy Natl Battlefield, c/o C and O Canal NHP, P.O. Box 158, Sharpsburg, MD 21782
- Montezuma Castle National Monument, c/o Tuzigoot National Monument, P.O. Box 68, Clarkdale, AZ 86324
- Moore's Creek Natl Battlefield, P.O. Box 69, Currie, NC 28435
- Mormon Pioneer Natl Hist Trail, c/o National Park Service, Box 25287, Denver, CO 80225
- Morristown National Historic Park, P.O. Box 1136R, Morristown, NJ 07960
- Mound City Group National Monument, Route 1, Box 1, Chillicothe, OH 45601
- Mount McKinley National Park, P.O. Box 9, McKinley Park, AK 99755
- Mount Rainier National Park, Tahoma Woods, Star Route, Ashford, WA 98304
- Mount Rushmore National Memorial, Keystone, SD 57751
- Muir Woods National Monument, Mill Valley, CA 94941
- Natchez Trace Parkway, Rural Route 1, NT-143, Tupelo, MS 38801
- National Capital Parks-Central, 900 Ohio Drive SW., Washington, DC 20242
- National Capital Parks-East, 5210 Indian Head Highway, Oxon Hill, MD 20021
- National Park Service, US Department of the Interior, Washington, DC 20240
- National Visitor Center, 50 Massachusetts Avenue NE., Washington, DC 20002
- Natl Capital Regional Office, NPS, 1100 Ohio Drive SW., Washington, DC 20242
- Natural Bridges National Monument, c/o Canyonlands National Park, 446 South Main Street, Moab, UT 84532
- Navajo Lands Group, NPS, 111 N. Behrend Ave., Farmington, NM 87401
- Navajo National Monument, Tonalea, AZ 86044
- New River Gorge Natl River, P.O. Drawer V, Oak Hill, WV 25901
- Nez Perce National Historic Park, P.O. Box 93, Spalding, ID 83551
- Ninety Six National Historic Site, P.O. Box 496, Ninety Six, SC 29666
- Noatak National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
- North Atlantic Regional Office, NPS, 15 State St., Boston, MA 02109
- North Cascades National Park Service Complex, 800 State Street, Sedro Woolley, WA 98284
- Obed Wild and Scenic River, P.O. Drawer 630, Oneida, TN 37841
- Ocmulgee National Monument, 1207 Emery Highway, Macon, GA 31201
- Oconaluftee Job Corps Civilian Conservation Center, Cherokee, NC 28719
- Office of Fire Management, National Park Service, Boise Interagency Fire Center, 3905 Vista Avenue, Boise, ID 83705
- Olympic National Park, 600 East Park Avenue, Port Angeles, WA 98362
- Oregon Caves National Monument, c/o Klamath Falls Group, P.O. Box 128, Klamath Falls, OR 97601
- Oregon National Historic Trail, c/o National Park Service, Fourth and Pike Bldg., Seattle, WA 98101
- Organ Pipe Cactus National Monument, P.O. Box 38, Ajo, AZ 85321
- Ozark National Scenic Riverways, P.O. Box 490, Van Buren, MO 63965
- Pacific Area Director, NPS, 300 Ala Moana Blvd., P.O. Box 50165, Honolulu, HI 96850

- Pacific Northwest Regional Office, National Park Service, 601 Fourth and Pike Bldg., Seattle, WA 98101
- Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, TX 78418
- Palo Alto Battlefield National Historic Site, P.O. Box 191, Brownsville, TX 78520
- Pea Ridge National Military Park, Pea Ridge, AR 72751
- Pecos National Monument, P.O. Drawer 11, Pecos, NM 87552
- Penn. Ave. Natl Historic Site, c/o Supt. Natl Cap Park-Central, 900 Ohio Drive, SW, Wash., DC 20242
- Perry's Victory & International Peace Memorial, P.O. Box 78, Put-in-Bay, OH 43456
- Petersburg National Battlefield, P.O. Box 549, Petersburg, VA 23803
- Petrified Forest National Park, Petrified Forest National Park, AZ 86028
- Pictured Rocks National Lakeshore, P.O. Box 40, Munising, MI 49862
- Pinnacles National Monument, Paicines, CA 95043
- Pipe Spring National Monument, c/o Zion National Park, Springdale, UT 84767
- Pipestone National Monument, P.O. Box 727, Pipestone, MN 56164
- Piscataway Park, c/o National Capital Region-East, 5210 Indian Head Hwy., Oxon Hill, MD 20021
- Point Reyes National Seashore, Point Reyes, CA 94956
- Poplar Grove National Cemetery, P.O. Box 549, Petersburg, VA 23803
- Prince William Forest Park, P.O. Box 208, Triangle, VA 22172
- Pu'uhonua O Honaunau National Historical Park, P.O. Box 128, Honaunau, Kona, HI 96726
- Puukohola Heiau National Historic Site, P.O. Box 4963, Kawaihae, HI 96743
- Rainbow Bridge National Monument, c/o Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040
- Redwood National Park, Drawer N, Crescent City, CA 95531
- Richmond National Battlefield Park, 3215 East Broad Street, Richmond, VA 23223
- Rio Grande Wild and Scenic River, c/o Big Bend Natl Park, Big Bend Natl Park, TX 79834
- Rock Creek Park, 5000 Glover Road, N.W., Washington, D.C. 20015
- Rocky Mountain National Park, Estes Park, CO 80517
- Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225
- Roger Williams National Memorial, P.O. Box 367 Annex, Providence, RI 02901
- Roosevelt Campabello International Park, P.O. Box 97, Lubec, ME 04652
- Ross Lake National Recreation Area, c/o North Cascades National Park Service, 311 State Street, Sedro Woolley, WA 98284
- Russell Cave National Monument, Route 1, Box 175, Bridgeport, AL 35740
- Sagamore Hill National Historic Site, Cove Neck Road, Box 304, Oyster Bay, NY 11771
- Saguaro National Historic P.O. Box 17210, Tucson, AZ 85731
- Saint Croix Island National Monument, c/o Acadia National Park, Route 1, Box 1, Bar Harbor, ME 04609
- Saint Croix National Scenic Riverway, P.O. Box 708, Saint Croix Falls, WI 54024
- Saint Paul's Church Natl Hist Site, c/o Manhattan Sites, 26 Wall St., NY, NY 10005
- Saint-Gaudens National Historic Site, RR #2 (Cornish, NH), P.O. Windsor, VT 05089
- Salem Maritime National Historic Site, Custom House, Derby Street, Salem, MA 01970
- San Antonio Missions Natl Hist Park, 727 E Durango, Room A612, San Antonio, TX 78206
- San Jose Mission National Historic Park, 6539 San Jose Drive, San Antonio, TX 78214
- San Juan Island National Historical Park, P.O. Box 549, Friday Harbor, WA 98250
- San Juan Natl Historic Site, PO Box 712, Old San Juan, PR 00902
- Santa Monica Mountains National Recreation Area, 23018 Ventura Blvd., Woodland Hills, CA 91364
- Saratoga National Historical Park, R.D. #1, Box 113-C, Stillwater, NY 12170
- Saugus Iron Works National Historic Site, 244 Central Street, Saugus, MA 01906
- Scotts Bluff National Monument, P.O. Box 427, Gering, NE 69341
- Sequoia & Kings Canyon National Parks, Three Rivers, CA 93271
- Sewall-Belmont House National Historic Site, c/o National Capital Region-East, 5210 Indian Head Hwy., Oxon Hill, MD 20021
- Shenandoah National Park, Luray, VA 22835
- Shiloh National Cemetery, c/o Shiloh Natl Military Park, Shiloh, TN 38376
- Shiloh National Military Park, Shiloh, TN 38376
- Sitka National Historical Park, P.O. Box 738, P.O. Box 738, Sitka, AK 99835
- Sleeping Bear Dunes National Lakeshore, 400 1/2 Main Street, Frankfort, MI 49635
- Southeast Regional Office, NPS, 75 Spring St, SW, Atlanta, GA 30303
- Southern Arizona Group, 1115 North 1st Street, Phoenix, AZ 85004
- Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, NM 87501
- Springfield Armory National Historic Site, One Armory Square, Springfield, MA 01105
- Statute of Liberty National Monument, Liberty Island, New York, NY 10004
- Stones River National Battlefield & Cemetery, Route 10, Box 401, Old Nashville Hwy., Murfreesboro, TN 37120
- Sunset Crater National Monument, Route 3, Box 149, Flagstaff, AZ 86001
- Thaddeus Kosciuszko National Memorial, c/o Independence National Historical Park, 313 Walnut Street, Philadelphia, PA 19106
- Theodore Roosevelt Birthplace, National Historic Site, c/o Manhattan Site, 26 Wall St., NY, NY 10005
- Theodore Roosevelt Inaugural Natl Hist Site, 641 Delaware Ave, Buffalo, NY 14202
- Theodore Roosevelt Island, c/o George Washington Memorial Parkway, Turkey Run Park, McLean, Va 22101
- Theodore Roosevelt National Park, Medora, ND 58645
- Thomas Stone National Historic Site, c/o George Washington Birthplace National Monument, Washington's Birthplace, VA 22575
- Timpanogos Cave National Monument, Route 3, Box 200, American Fork, UT 84003
- Tonto National Monument, P.O. Box 707, Roosevelt, AZ 85545
- Touro Synagogue Natl Hist Site, 85 Touro St, Newport, RI 02840
- Tumacacori National Monument, P.O. Box 67, Tumacacori, AZ 85640
- Tupelo National Battlefield, c/o Superintendent, Natchez Trace Parkway, R.R. 1, NT-143, Tupelo, MS 38801
- Turkey Run Farm, c/o George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101
- Tuskegee Institute National Historic Site, 399 Old Montgomery Road, Tuskegee Institute, AL 36088
- Tuzigoot National Monument, P.O. Box 68, Clarkdale, AZ 86324
- Upper Delaware National Scenic River, National Park Service, 143 South Third Street, Philadelphia, PA 19106
- USS Arizona Memorial, National Park Service, P.O. Box 50165, Honolulu, HI 96850
- Utah Mining and Minerals Office, National Park Service, 125 South State Street, Room 3422, Federal Bldg., Salt Lake City, UT 84138
- Valley Forge National Historical Park, Valley Forge, PA 19481
- Vanderbilt Mansion National Historic Site, c/o Home of Franklin D. Roosevelt and Vanderbilt Mansion National Historic Site, Hyde Park, NY 12538

Vicksburg National Cemetery, c/o
Vicksburg Natl Mil Park, P.O. Box 349,
Vicksburg, MS 39181

Vicksburg National Military Park, P.O.
Box 349, Vicksburg, MS 39180

Virgin Islands National Park, P.O. Box
806, Charlotte Amalie, St. Thomas, VI
00801

Voyageurs Land Acquisition Office, 1026
3rd Street, International Falls, MN
56649

Voyageurs National Park, P.O. Box 50,
International Falls, MN 56649

Walnut Canyon National Monument,
Route 1, Box 25, Flagstaff, AZ 86001

War in the Pacific Natl Hist Park, P.O.
Box FA, Agana, Guam 96910

Washington Monument, c/o National
Capital Parks-Central, 900 Ohio Drive,
S.W., Washington, D.C. 20242

Western Regional Office, NPS, 450
Golden Gate Avenue, P.O. Box 36063,
San Francisco, CA 94102

Whiskeytown Unit, Whiskeytown-
Shasta-Trinity National Recreation
Area, P.O. Box 188, Whiskeytown, CA
96095

White House, National Capital Region,
1100 Ohio Drive, S.W., Washington,
D.C. 20242

White Sands National Monument, P.O.
Box 458, Alamogordo, NM 88310

Whitman Mission National Historic Site,
Route 2, Walla Walla, WA 99362

William Howard Taft National Historic
Site, 2038 Auburn Avenue, Cincinnati,
OH 45219

Wilson's Creek National Battlefield, 521
North Highway 60, Republic, MO
65738

Wind Cave National Park, Hot Springs,
SD 57747

Wolf Trap Farm Park for the Performing
Arts, 1551 Trap Road, Vienna, VA
22180

Wrangell-St. Elias National Monument,
c/o Alaska Area Office, 540 W. 5th
Avenue, Room 202, Anchorage, AK
99501

Wright Brothers National Memorial,
c/o Cape Hatteras National Seashore,
P.O. Box 457, Manteo, NC 27954

Wupatki National Monument, Tuba Star
Route, Flagstaff, AZ 86001

Yellowstone National Park, Yellowstone
National Park, WY 82190

Yorktown National Cemetery, c/o
Colonial National Historical Park,
P.O. Box 210, Yorktown, VA 23690

Yosemite National Park, P.O. Box 577,
Yosemite National Park, CA 95389

Yucca House National Monument, c/o
Mesa Verde National Park, Mesa
Verde National Park, CO 81330

Yukon-Charlie Natl Monument, c/o
Alaska Area Office, 540 W. 5th
Avenue, Room 202, Anchorage, AK
99501

Zion National Park, Springdale, UT
84767

* * * * *

INTERIOR/FNP-1

SYSTEM NAME:

Special Use Permits—Interior, NPS-1.

SYSTEM LOCATION:

Substantially all Regional and park
offices of the National Park Service.
(See Appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Visitors to National Parks who receive
special use permits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains permittees' names, tract
numbers, addresses, and terms, and
conditions of permits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 1 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is for (1)
park management. Disclosures outside
the Department of the Interior may be
made (1) to the U.S. Department of
Justice when related to litigation or
anticipated litigation, (2) of information
indicating a violation or potential
violation of a statute, regulation, rule,
order or license, to appropriate Federal,
State, local or foreign agencies
responsible for investigating or
prosecuting the violation of or enforcing
or implementing the statute, rule,
regulation, order or license; (3) from the
record of an individual in response to an
inquiry from a 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:

Maintained in manual form in file
folders.

RETRIEVABILITY:

Indexed by tract number or permittee
name.

SAFEGUARDS:

Stored in lockable metal file cabinets
or unlocked cabinets in secured rooms
or buildings on either U.S. Government-
owned or leased facilities.

RETENTION AND DISPOSAL:

Ordinarily disposed of one year after
termination of special use permit.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Management and
Operations, National Park Service, U.S.
Department of the Interior, Washington,
D.C. 20240.

NOTIFICATION PROCEDURE:

To determine whether the records are
maintained on you in this system, write
to the Systems Manager or to the offices
cited under "Records Location."

RECORD ACCESS PROCEDURES:

To see your records write the Systems
Manager or the offices cited under
"Records Location." Describe as
specifically as possible the records
sought. If copies are desired, indicate
the maximum you are willing to pay.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal
of material from your files, write the
Systems Manager.

RECORD SOURCE CATEGORIES:

Individual on whom record is
maintained.

INTERIOR/FNP-16

SYSTEM NAME:

Position and Manpower Reporting
System (PMRS)—Interior, NPS—16.

SYSTEM LOCATION:

Chief, Office of Programming and
Budgeting, National Park Service, U.S.
Department of the Interior, Washington,
D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All NPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

About 30 data elements on positions
including personal and employment
information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 1, 5 U.S.C. 301, 43 U.S.C.
1457, OMB Circular A-11.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record (1) to
issue reports on authorized positions
and data related to positions and the
incumbents. Disclosures outside the
Department of the Interior may be made
(1) to the U.S. Department of Justice
when related to litigation or anticipated
litigation, (2) of information indicating a
violation or potential violation of a
statute, regulation, rule, order or license,
to appropriate Federal, State, local or
foreign agencies responsible for

investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on tape.

RETRIEVABILITY:

Indexed alphabetically by name and by position number and organization code.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for automated records.

RETENTION AND DISPOSAL:

When incumbent leaves position, all personal information is purged.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Budget, (See Location).

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the Systems Manager.

RECORD ACCESS PROCEDURES:

To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the Systems Manager.

RECORD SOURCE CATEGORIES:

Department of the Interior Integrated Personnel and Payroll System.

INTERIOR/FNP-19

SYSTEM NAME:

Law Enforcement Files: Statistical Reporting System, incident card reference and related files—Interior, NPS-19.

SYSTEM LOCATION:

(1) U.S. Park Police, 1100 Ohio Drive, S.W., Washington, D.C. 20242. (2) National Park areas (See Appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM.

Individual complainants in criminal cases, individuals investigated or arrested for criminal or traffic offenses, or involved in motor vehicle accidents or certain types of non-criminal incidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual, date and case number of incident, and report of incident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (1) to identify incidents in which individuals were involved, (2) to retrieve the report for information for the individual involved, such as accident reports and reports of found property, (3) to aid NPS law enforcement officers on a need to know basis, and (4) as the basis for criminal investigations conducted by the U.S. Park Police. Disclosures outside the Department of the Interior may be made (1) to law enforcement officers from other agencies in their work on a need to know basis, (2) to the U.S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prospecting the violation, or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Manual records.

RETRIEVABILITY:

Manual, by name of individual and park.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Records are maintained for various lengths of time, depending on the seriousness of the incident.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Management and Operations, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

RECORD SOURCE CATEGORIES:

Incident information obtained from individual on whom information is maintained, witnesses and investigating officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR, Part 2, Subpart C, except subsections (b), (c) and (1) and (2), (e)(4)(A) through (F), (e) (6), (7), (9), (10) and (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR, Part 2, Subpart D implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/FNP-21

SYSTEM NAME:

Visitor Statistical Survey Forms—Interior, NPS-21.

SYSTEM LOCATION:

Various National Park Service areas within the NPS system. (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Visitors to NPS administered areas who have participated in surveys conducted during their visits to the areas or via mail or telephone as a result of their visit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, some addresses, some telephone numbers, and information obtained during the surveys on completed questionnaires or by in-person or telephone interviews, or both. The survey information includes experiences, ideas, and expressions collected voluntarily from the visitors on what they think of the area's resources, facilities, and area programs. The responses are treated confidentially and are used only to compile statistical information.

AUTHORITY FOR MAINTAINANCE OF THE SYSTEM:

Federal Reports Act of 1942, 44 U.S.C. 3501-3511, Federal Records Act of 1950, 44 U.S.C. 2904 and 3102, and OMB Circular A-40 Revised May 3, 1973.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (1) to evaluate existing management programs through statistical analysis of the replies furnished by the visitors, (2) to develop new thrusts that might be suggested by the visitors' comments. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to

litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a 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:

Usually maintained in file folders.

RETRIEVABILITY:

Sometimes filed alphabetically by name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

When personal data included, questionnaires and interview sheets are usually destroyed after aggregation of responses so that individual identification will no longer be possible. Others are retained until final completion of the survey and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Consulting Division, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the offices cited under "Records Location".

RECORD ACCESS PROCEDURES:

To see your records write to the offices cited under "Records Location". Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the Systems Manager.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

[FR Doc. 81-7249 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[No. WC-34]

Delta Queen Steamboat Co.; Petition for Exemptive Relief; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Exemption under 49 U.S.C. 11108 granted from the provisions of 49 U.S.C. 11904(c)(1) and 11905 to enable Delta Queen Steamboat Company to compete effectively with foreign cruise lines.

EFFECTIVE DATE: April 6, 1981.

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

SUPPLEMENTARY INFORMATION: By notice published October 17, 1980 (45 FR 69055), the Commission sought comments on a petition by Delta Queen Steamboat Company (Delta Queen) for an exemption under 49 U.S.C. 11108.

Petitioner is a regulated common carrier of passengers by water. It provides domestic vacation cruises on inland rivers, mainly the Mississippi River, using a paddle-wheel steamer. It seeks relief from the provisions of 49 U.S.C. 11904(c)(1) and 11905 in order to offer free or reduced-rate transportation to travel agents and tour guides. It directly competes for the cruise market with unregulated cruise lines operating between U.S. and foreign ports and offering various alternative vacation cruises.

Presently these unregulated foreign lines have a competitive advantage in that they can and frequently do provide free or reduced transportation rates for travel agents and tour guides, often utilizing barter and other similar arrangements. These travel agents are relied on heavily by the cruise industry to procure bookings. Delta Queen is no exception. Its booking history reveals that it draws on travel agents for 95 percent of its business. Yet, as a regulated carrier, Delta Queen is precluded from providing free or reduced-rate transportation to travel agents by 49 U.S.C. 11904(c)(1) and 11905. Petitioner seeks exemptive relief to enable it to compete more effectively with the foreign carriers for cruise bookings.

49 U.S.C. 11108 authorizes exemption when a domestic water carrier shows: (1) it is in competition with a water carrier operating to or from a foreign country; (2) the competing foreign carrier unreasonably discriminates against the domestic

carrier by a rate, rule, or practice; and (3) the relief sought is in the public interest and is consistent with the national transportation policy.

As stated in the notice of October 17, 1980, we believe factors (2) and (3) are proven. The major question is whether competition as expressed in 49 U.S.C. 11108 (1) above, must be narrowly construed to include only point-to-point competitors, or whether it can be broadly interpreted to encompass a market concept.

Only Delta Queen responded to our request for comments on this issue. The broad interpretation of section 11108 that it advances persuades us that an exemption is appropriate under the circumstances.

Section 11108 authorizes an exemption to a domestic water carrier "in competition" with a water carrier providing transportation to or from a foreign port. The provision, however, does not define "competition." As neither its language nor legislative history suggests a restrictive interpretation was intended, the scope of the term "competition" within the context of 49 U.S.C. 11108 will be determined by analysis of its commonly applied meaning. This approach and our prior decisions are compatible with a broad interpretation.

As correctly noted by Delta Queen, "competition" describes the independent action of two or more parties striving to secure the business of a third. Competition is similarly defined in Webster's Dictionary and by the Commission in *Rags & Paper to Newark, N.Y.*, 208 I.C.C. 327, 330 (1935). For Delta Queen, all persons contemplating a cruise vacation constitute its market, the same market sought by the unregulated carriers. It follows that any interpretation that would exclude a relevant market in these circumstances would be unrealistic and negate the purpose of Section 11108.

In determining relevant criteria to establish the existence of competition, the Commission stated in *Southern Ry. Co. Section 5(15) Application*, 342 I.C.C. 416, 436, (1972) that "there must be actual striving for the same traffic or a distinct probability of such active competition." In the final analysis, "competition is a question of fact to be determined by the circumstances of each case". 342 I.C.C. at 434. We find such active competition between Delta Queen and the cruise lines operating out of foreign ports.

Delta Queen is a unique historic entity in the transportation industry. Preserving its operation is both desirable and in the public interest.

Delta Queen's inability under 49 U.S.C. 11904(c)(1) and 11905 to provide the free or reduced transportation offered by its foreign competitors places it at a serious competitive disadvantage, which constitutes sufficient justification for an exemption.

We find the requested exemption is warranted. Under the circumstances we need not consider alternative forms of relief.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 11108.

Decided: February 24, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7224 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs; Decision

Decided March 3, 1981.

In our decision of February 25, 1981, a 19.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload is 19.1-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 19.0-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor the 7.1-percent surcharge for the bus carriers, nor the 2.2-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m. March 6, 1981.

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

Agatha L. Mergenovich,
Secretary.

Appendix.—Fuel Surcharge

Base date and price per gallon (Including tax)	
January 1, 1979.....	63.5¢
Date of current price measurement and price per gallon (including tax)	
Mar. 2, 1981.....	135.2¢

	Transportation performed by—			
	Owner-operator ¹	Other ²	Bus Carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue.....	16.9	2.9	6.3	3.3
Percent surcharge developed.....	19.1	3.3	7.1	*3.0
Percent surcharge allowed.....	19.0	3.3	7.1	*2.2

¹ Apply to all truckload rated traffic.

² Including less-than-truckload traffic.

³ The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

⁴ The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-7229 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Company: BMI, Inc., 700 Bingham Street, Pittsburgh, PA 15203.

2. Wholly-owned subsidiaries which will participate in the operations and States of incorporation:

(a) Greensteel, Inc., 29 Laing Avenue, Dixonville, PA 15734; Pennsylvania Corp.

(b) Greensteel, Inc., P.O. Box 8795, Orlando, FL 32806; Florida Corp.

(c) Greensteel, Inc., 9440 N.E. Halsey Street, Portland, OR 97110; Oregon Corp.

(d) Greensteel, Inc., 1169 N. Grove Street, Anaheim, CA 92806; Oregon Corp. (California Foreign)

(e) Barr Machine, Inc., 29 Laing Avenue, Dixonville, PA 15734.

(f) Kensington Products, P.O. Box 488, Leechburg, PA 15656; Pennsylvania Corp.

1. The parent corporation and address of its principal office is: Central South Industries, Inc., P.O. Box 17108, Pensacola, Florida 32532.

2. Wholly-owned subsidiaries which are participating in the operations and their State(s) of incorporation are:

(a) Escambia Treating Company, Florida Corporation.

(b) Escambia Trucking Company, Florida Corporation.

(c) Estreco Land & Timber Co., Inc., Florida Corporation.

(d) On-Line Management Systems, Inc., Florida Corporation.

(e) Mississippi Wood Preserving, Inc., Mississippi Corporation.

1. Parent corporation and address of principal office: Charter Manufacturing Company, Inc., 10500 North Pt. Washington Road, Mequon, Wisconsin 53092.

2. Wholly-owned subsidiaries which will participate in the operations and State of incorporation: Charter Electric Melting, Inc., Illinois.

1. Parent corporation and address of principal office: CLI Corporation, 5325 South Madera, Oklahoma City, Oklahoma, 73129

2. Wholly-owned subsidiaries which will participate in such operations and States of incorporation.

(i) Coldiron Lines, Inc. of 5325 South Madera, Oklahoma City, Oklahoma 73129.

(ii) Coldiron Lumber, Inc. of 5325 South Madera, Oklahoma City, Oklahoma 73129.

1. Parent corporation and address of principal office: CSC, Inc., 1109 Court Street, P.O. Box 1588, Medford, OR 97501.

2. Wholly-owned subsidiaries which will participate in the operations and State of incorporation.

(i) Medford Blow Pipe & Fabrication Co., Inc., an Oregon corporation.

(ii) Medford Steel; Division of CSC, Inc., an Oregon corporation.

1. Parent corporation and address of principal offices: Foley-ASC, Inc., 1616 Wollmer St., Manitowoc, WI 54220.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices:

(a) Isanti Mfg. Co., 3300 Fifth St. NE, Minneapolis, MN 55418.

(b) Lapcor Plastics, 2702 Division St., Manitowoc, WI 54220.

(c) Martens Mfg. Co., 1600 W. Breitung St., Kingsford, MI 49801.

(d) Foley Meets-A-Need Mfg., Co., 2963 Utah St., Seattle, WA 98134.

(e) Foley Chief Products Co., 3300 Fifth St. NE, Minneapolis, MN 55418.

1. Parent corporation and address of principal office: General Signal Corporation, High Ridge Park, Stamford, Connecticut 06904.

2. Wholly-owned subsidiaries which will participate in the operations and States of incorporation:

- (a) Sola Basic Industries, Inc. (Wisconsin).
- (b) OZ/Gedney Company (Connecticut).
- (c) Edwards Company, Inc. (Connecticut).
- (d) General Signal Mfg. Corp. (Delaware).
- (e) General Signal Industries, Inc. (Delaware).
- (f) Electroglas, Inc. (California).
- (g) Tapco International, Inc. (Delaware).
- (h) Telecommunications Technology, Inc. (California).
- (i) Xynetics, Inc. (Delaware).

1. Parent corporation and address of principal office: Kitchen Fresh, Inc., 3832 New Cummings Rd., Chattanooga, TN 37419.

2. Wholly-owned subsidiaries which will participate in the operations and States of incorporation:

- Judson Candies, Inc., 831 S. Flores St., San Antonio, TX 78204
- DAD Transport, Inc., 3832 New Cummings Rd., Chattanooga, TN 37410

1. Parent corporation and address of principal office: M/A-COM, Inc., South Avenue, Burlington, Massachusetts.

M/A-COM, Inc., also does business under the names Microwave Associates Inc., and Microwave Associates Communications Company.

2. Wholly-owned subsidiaries which will participate in the operations and States of incorporation:

- Alanthus Data Communications Corporation, Delaware
- Comm/Scope Corporation, North Carolina (Provider of Compensated intercorporate hauling operations)
- Currier-Smith Corporation, Massachusetts
- Digital Communications Corporation, Delaware
- Laser Diode Laboratories, Inc., New Jersey
- Lawrence Laboratory, Inc., California
- Lawrence Laboratory Microwave, Inc., California
- LINKABIT Corporation, California
- Microwave Power Devices, Inc., New York
- Ohio Scientific, Inc., Ohio
- Omni Spectra, Inc., Delaware
- Prodelin, Inc., New Jersey
- Valtec Corporation, Massachusetts

1. Parent corporation is: Miller Bros. Industries, Inc., 2700 Canton Street, Dallas, Texas 75226.

2. Wholly-owned subsidiaries are: Adam Hats, Inc., 135 W. 50th Street, New York, NY 10020

Bamberg Mfg., Division, Wood Garment Mfg. Co., U.S. Hwy. 301 South Bamberg, SC 29003

Cumberland Products, Inc., College Street, Spencer, TN 38585

Dunlap Slacks, Inc., Spring Street, Dunlap, TN 37327

Holly Manufacturing, Inc., U.S. Hwy. 278 East, Holly Pond, AL 35083

Miller Bros. Hats, Division, Miller Bros. Industries, Inc., 135 W. 50th Street, New York, NY 10020

Miller Bros. Slacks, Division, Miller Bros. Industries, Inc., 135 W. 50th Street, New York, NY 10020

Star Headwear, Inc., 625 Jackson Blvd., Chicago, IL 60606

Texas Miller Hat Corp., 2700 Canton St., Dallas, TX 75228

Texas Miller Products, Inc., U.S. Hwy. 75 North, Corsicana, TX 75110

1. Parent corporation and address of principal office: Racetrac Petroleum, Inc., 2625 Cumberland Parkway, N.W., Suite 100, Atlanta, Georgia 30339.

2. Wholly-owned subsidiaries which will participate in the operative, and States of incorporation:

- (i) C.B. Properties, Inc., a Delaware Corporation.
- (ii) Racetrac of Texas, Inc., a Texas Corporation.

1. Parent corporation and address of principal office: R. J. Reynolds Industries, Inc., Reynolds Boulevard, Winston-Salem, North Carolina 27102.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

- (a) Alaska Packers Association, P.O. Box 3326, Bellevue, Washington 98009.
- (b) Del Monte Banana Company, P.O. Box 011940, Miami, Florida 33131.
- (c) Del Monte Corporation, P.O. Box 3575, San Francisco, California 94119.
- (d) D. & O.—Fairchild, Inc., P.O. Box 9967, Yakima, Washington 98909.
- (e) Fairchild General Freight, Inc., P.O. Box 9967, Yakima, Washington 98909.
- (f) Ida-Cal Freight Lines, Inc., Drawer M, Nampa, Idaho 83651.
- (g) Oak Grove Corporation, P.O. Box 2276, San Leandro, California 94577.
- (h) Paddison Truck Lines, Inc., P.O. Box 2276, San Leandro, California 94577.
- (i) R. J. Reynolds Tobacco Company, P.O. Box 2959, Winston-Salem, North Carolina 27102.
- (j) RJR Archer, Inc., Reynolds Boulevard, Winston-Salem, North Carolina 27102.
- (k) RJR Foods, Inc., P.O. Box 3575, San Francisco, California 94119.
- (l) Shippers Imperial, Inc., 2277—7th Street, Oakland, California 94607.
- (m) Willis Shaw Frozen Express, Inc., P.O. Box 188, Elm Springs, Arkansas 72728.

(n) Amtane, Inc., 9717 East 42nd Street, Suite 100, Tulsa, OK 74145.

(1) Parent corporation and address of principal office: Rocco Enterprises, Inc., 1 Kratzer Avenue, Harrisonburg, VA 22801.

(2) Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

- Rocco, Inc., Virginia
- Rocco Chickens, Inc., Virginia
- Marval Poultry Company, Inc., Virginia
- Rocco Turkey Farms, Inc., Virginia
- Rocco DISC, Inc., Virginia
- Rocco Building Supplies, Inc., Virginia
- Rocco Broiler Farms, Inc., Virginia
- Rocco Breeder Farms, Inc., Virginia
- Rocco Farm Foods, Inc., Virginia

1. The parent corporation is West American Finance Corporation d.b.a. Boyd Martin Co., a Utah Corporation with its principal office at 1260 West North Temple, Salt Lake City, Utah 84116.

2. The following are wholly-owned subsidiaries, which will participate in the operations performed by West American Transport, Inc. a Utah Corporation.

- (i) West American Transport, Inc., a Utah Corporation.
- (ii) Steven Regan Company, a Utah Corporation.
- (iii) F. L. F., Inc., a Utah Corporation.
- (iv) Utah Industrial Trucks, Inc., a Utah Corporation.

Agatha L. Mergonovich,
Secretary

(FR Doc. 81-7123 Filed 3-5-81; 8:45 am)
BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

March 3, 1981.

This application for long-and-short-haul relief has been granted by the I.C.C.

No. 43902, Western Trunk Line Committee, Agent (No. A-2765), reduced rates on beet or cane sugar, from Stations in Idaho, Utah, and Nyssa, OR to St. Joseph, MO, in Supplement No. 56 to its Tariff ICC WTL 4417, effective March 2, 1981. Grounds for relief—market competition and rate relationship.

This application was received by the Commission's Suspension Board on February 23, 1981. This precluded the Board from publishing the requested relief in the Federal Register in order to give interested parties an opportunity to protest.

By action of February 27, 1981, the Commission, Suspension Board, Members Fitzgerald, Halvarson, and

O'Malley, concluded to grant the requested relief in Long and Short Haul No. 20680, subject to the proviso that the authority will expire 30 days' from February 27, 1981. This notice is to advise that the Commission's Suspension Board will reopen this proceeding on its own motion (if not protested), to consider the expiration date of this authority. Interested parties wishing to object may file objections with the Suspension Board not later than the 10th day before the expiration date.

By the Commission,
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7121 Filed 3-5-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative of applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(c) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In 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 protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or

the application of a non-complying applicant shall stand denied.

Decided: February 13, 1981.

By the Commission, Review Board Number 5, Member Krock, Taylor, and Williams.
Decided: February 19, 1981.

By the Commission, RB #5, members Krock, Taylor & Williams.

[Board Member Taylor votes to deny the application. WFW has failed to establish that it is fit, willing and able to conduct operations under the rights to be acquired. It has no equipment and no funds. Also there is nothing to show that its management has any ability to run B & P operations successfully. There are substantial duplications between the rights of B & P and Youngstown Cartage, an affiliate of WFW, which would have to be cancelled if the transaction were to be approved. The proposal of WFW to sell the duplicating rights over a period of time is nothing more than trafficking in operating rights.]

MC-F-14378F, filed April 23, 1980. B & P MOTOR EXPRESS CO., formerly WFW COMPANY (B&P) (825 West Federal St., Youngstown, OH 44501)—purchase—B&P MOTOR EXPRESS, INC., debtor in possession (Debtor) (720 Gross St., Pittsburgh, PA 15224). Representative: John P. McMahon, Baker & Hostetler, 100 East Broad St., Columbus, OH 43215. B&P seeks to purchase all of the interstate operating rights and property of Debtor. Wolff & Sons, Inc., a non-carrier holding company which controls B&P through ownership of all of its outstanding stock, and in turn William F. Wolff, Sr., William F. Wolff, Jr., and Richard A. Wolff who control Wolff & Sons, Inc. through ownership of a majority of its outstanding stock, seek to control the operating rights through the transaction.

The operating rights sought to be purchased are contained in Certificate No. MC-1936 and all sub-numbers thereto, which authorize, generally, transportation of general and specified commodities over regular and irregular routes serving the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, Wisconsin, and West Virginia, as specifically set forth in the application. Wolff & Sons, Inc. also controls the Youngstown Cartage Co. (Youngstown) a motor common carrier operating pursuant to Certificate No. MC-8958 and sub-numbers thereto. The evidence demonstrates that duplications exist with respect to the rights to be purchased and those held by Youngstown. Pursuant to 49 CFR 1134.51(a)(2), applicants request that the transaction be authorized on the condition that applicants submit a plan and timetable to sell and thereby

eliminate duplications. The Articles of Incorporation of Wolff & Sons, Inc. indicate that to engage in the business of motor carriage is one of its primary purposes. Also approval and authorization of the transaction will result in common control by Wolff & Sons, Inc. over two motor common carriers. An appropriate condition will be imposed. Conditions: (1) Authorization and approval of this transaction are conditioned upon applicants' submission of a plan for the elimination by sale or cancellation of duplications existing between the authority sought to be purchased and the authority held by the Youngstown Cartage Co. within 180 days of the date this notice is published. (2) Wolff & Sons, Inc. shall be subject to 49 U.S.C. 11142, 11145, and 11302, the accounting, reporting, and securities provisions of the Interstate Commerce Act upon consummation of the instant transaction. (Hearing site: Columbus, OH.)

Note.—Application for temporary authority has been filed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7120 Filed 3-5-81; 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.

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., 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. OP3-178

Decided: February 19, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 145085 (Sub-1), filed February 3, 1981. Applicant: SID'S INC., P.O. Box D, Jonesport, ME 04849. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. Transporting for 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. OP3-182

Decided: February 24, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 152494 (Sub-1), filed February 6, 1981. Applicant: CHESSIE MOTOR EXPRESS, INC., Post Office Box 6419, 3200 Terminal Tower, Cleveland, OH 44101. Representative: Eugene D.

Anderson, 910 Seventeenth St., N.W., Washington, DC 20036. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S.

MC 153535, filed December 17, 1980.

Applicant: THOMAS DAVID BLANCHARD d.b.a. TOM BLANCHARD TRUCKING, 10000 Chance Rd., Tillamook, OR 97141. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP3-189

Decided: February 26 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 154024, filed January 27, 1981. Applicant: TERRY L. HEIRONYMUS d.b.a. T. & L. TRANSFER, 182 South Kansas St., Superior, NE 68978. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. 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*, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7119 Filed 3-5-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decision; 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 application has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each application 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 application 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. OP2-026

Decided February 19, 1981.

By the Commission, Review Board No. 3, Members, Fortier, Hill and Parker.

MC 135052 (Sub-37), filed February 5, 1981. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster St.,

Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204, 317-639-4511. Transporting *general commodities* (except classes A and B explosives) between those points in the U.S. in an east of ND, SD, NE, KS, OK, and TX.

MC 146703 (Sub-24), filed January 27, 1981. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St., NW., Washington, DC 20006, (202) 223-8270. Transporting *rubber and plastic products*, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7228 Filed 3-5-81; 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. OP4-46

Decided February 25, 1981.

By The Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 42146 (Sub-31), filed February 6, 1981. Applicant: A. G. BOONE COMPANY, a corporation, P.O. Box 668126, 1812 W. Morehead St., Charlotte, NC 28266. Representative: Floyd C. Hartsell (same address as applicant). Transporting *General commodities* (except classes A and B explosives) between points in the U.S. under continuing contract(s) with Supermarket Distribution Service, Inc., of Montvale, NJ.

MC 60066 (Sub-26), filed February 3, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. Transporting *food and related products*, between Chicago, IL, on the one hand, and, on the other, points in IA and NE.

MC 95876 (Sub-383), filed February 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. Transporting *metal products*, between points in

Middlesex County, NJ, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 95876 (Sub-385), filed February 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *electrical equipment and supplies*, between points in Halifax County, VA, on the one hand, and, on the other, points in the U.S.

MC 10556 (Sub-243), filed February 3, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting (1) *metal products*, and (2) *rubber and plastic products*, between points in Berrien County, MI, on the one hand, and, on the other, points in the U.S.

MC 110656 (Sub-19), filed February 3, 1981. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Ave. SW., Grand Rapids, MI 40507. Representative: Ronald J. Mestey, 900 Guardian Bldg., Detroit, MI 48226. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Gaylord and Alpena, MI, over MI Hwy 32, (2) between Alpena and Mackinaw City, MI, over U.S. Hwy 23, (3) Between Mackinaw City and Gaylord, MI: From Mackinaw City over Interstate Hwy 75 to junction MI Hwy 32, then over MI Hwy 32 to Gaylord, (4) Between Alba and Gaylord, MI: From Alba over County Rd 42 to junction MI Hwy 32, then over MI Hwy 32 to Gaylord, (5) serving in connection with routes (1) through (4) above, all intermediate points, and in Alpena County, MI and points in Cheboygan, Presque Isle, Montmorency and Otsego Counties, MI which are on and east of Interstate Hwy 75 and on and north of MI Hwy 32, as off-route points, (6) Between Gaylord and Detroit, MI: (a) From Gaylord over MI Hwy 32 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction Interstate Hwy 96, then over Interstate Hwy 96 to Detroit, (b) From Gaylord over MI Hwy 32 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Detroit, and (c) From Gaylord over MI Hwy 32 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction U.S. Hwy 10, and then over U.S. Hwy 10 to Detroit, (7) between junction U.S. Hwy 23 and U.S. Hwy 10 and junction U.S. Hwy 23 and Interstate

Hwy 96, over U.S. Hwy 23, (8) between Grand Rapid and Lansing, MI, over Interstate Hwy 96, (9) serving in connection with routes (6) through (8) above all intermediate points, and points in Ingham, Eaton, Ionia, Clinton, Kent, Montcalm, Mecosta, Osceola, Wexford, Grand Traverse, Benzie, Leelanau, Antrim Charlevoix, and Emmet Counties, MI, and points in Cheboygan and Otsego Counties, MI on and west of Interstate Hwy 75, as off-route points, (10) Between Grand Rapids, MI and junction MI Hwy 57 and Interstate Hwy 75: From Grand Rapids over U.S. Hwy 131 to junction MI Hwy 57, then over MI Hwy 57 to junction Interstate Hwy 75, for operating convenience only, (11) between Bay City and Alpena, MI over U.S. Hwy 23, for operating convenience only, (12) Between the junction of MI Hwy 32 and MI Hwy 65 and Bay City, MI: From junction MI Hwy 32 and MI Hwy 65 over MI Hwy 65 to junction U.S. Hwy 23, near Omer, MI, and then over U.S. Hwy 23 to Bay City, for operating convenience only.

Note.—Applicant intends to join the authority sought here with its other authorized routes.

MC 117416 (Sub-71), filed February 6, 1981. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Ave., NW., Knoxville, TN 37921. Representative: William P. Sullivan, 818 Connecticut Ave., N.W., Washington, D.C. 20006. Transporting (1) *general commodities* (except classes A and B explosives), between points in AL, AR, DE, FL, GA, IL, IN, LA, KY, MD, MI, MO, MS, NC, OH, PA, SC, TN, VA, WI, WV, and DC.

MC 123556 (Sub-11), filed February 2, 1981. Applicant: RAHIER TRUCKING, INC., 1822 South 1st St., Yakima, WA 98901. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in WA, OR, ID, and CA.

MC 135936 (Sub-32), filed February 2, 1981. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *machinery*, between points in Greene and Hamilton Counties, IA, on the one hand, and, on the other, points in AR, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, and WI.

MC 136366 (Sub-6), filed February 6, 1981. Applicant: BEE LINE, INC., 17 Commerce Rd., Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *pulp, paper and related*

products, and (2) *rubber and plastic products*, between points in Androscoggin County, ME and Bergen County, NJ, on the one hand, and, on the other, points in the U.S.

MC 136366 (Sub-7), filed February 6, 1981. Applicant: BEE LINE, INC., 17 Commerce Rd., Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except Classes A and B explosives), between the facilities of Mitsubishi Corp. and Mitsubishi International Corp., in the U.S., on the one hand, and, on the other, points in the U.S.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7251 Filed 3-5-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier 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 application'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 be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

Agatha L. Mergenovich,
Secretary.

Note.—All applicants 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. OP1-053

Decided February 25, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 200 (Sub-570), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *building materials*, between points in St. Louis County, MO, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-586), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *food and related products*, between points in CO, on the one hand, and, on the other, points in the U.S.

MC 381 (Sub-24), filed February 9, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative:

George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *food and related products*, between the facilities used by J. H. Filbert, Inc. in the U.S., on the one hand, and, on the other, points in the U.S.

MC 381 (Sub-25), filed February 9, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *food and related products*, and *such commodities* as are dealt in or used by chain grocery and food business houses, between Chesapeake and Suffolk, VA, on the one hand, and, on the other, points in DE, MD, NC, NJ, PA, SC, WV, and DC.

MC 2980 (Sub-10), filed February 9, 1981. Applicant: LANDGREBE MOTOR TRANSPORT, INC., Highway 130 West, P.O. Box 32, Valparaiso, IN 46383. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in Lake, Newton, Porter, Jasper, White, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Elkhart, and Kosciusko Counties, IN.

MC 96881 (Sub-27), filed February 10, 1981. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Ave., Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Transporting *machinery*, between points in Sebastian County, AR, on the one hand, and, on the other, points in AL, CO, IL, KS, KY, LA, MS, MO, NE, NM, OK, TN, and TX.

MC 110420 (Sub-860), filed February 9, 1981. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: Robert H. Shertz, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *commodities in bulk*, between points in the U.S. Condition: Prior to issuance of a certificate in this proceeding, applicant must request cancellation of those certificates which duplicate the above authority.

MC 115730 (Sub-91), filed February 9, 1981. Applicant: THE MICKOW CORP., 531 S.W. Sixth St., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *building materials*, between points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, and WI.

MC 121470 (Sub-76), filed February 9, 1981. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 801 Cowan St., Nashville, TN 37207. Representative: Roy L. Tanksley (same address as applicant). Transporting *forest products, and lumber and wood products*, between points in AL and MS, on the one hand, and, on the other, points in the U.S.

MC 124050 (Sub-5), filed February 9, 1981. Applicant: MERCER BROS. TRUCKING CO., a corporation, P.O. Box 952, Highway 301 North, Wilson, NC 27893. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *materials, equipment, and supplies* used in the manufacture, processing, and distribution of tobacco and tobacco products, between FL, GA, KY, TN, NC, SC, MD, VA, and WV.

MC 128570 (Sub-22), filed February 9, 1981. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th St., Wilmington, DE 19802. Representative: James F. Flint, 406 World Center Bldg., 918 16th St., Washington, DC 20006. Transporting *coin, currency, negotiable and non-negotiable instruments, securities, precious metals and articles of unusual value*, between points in the U.S.

MC 133841 (Sub-24), filed February 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *machinery*, between the facilities used by The Bullard Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 133841 (Sub-25), filed February 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *machinery*, between the facilities used by Anaconda Wire & Cable Co. in the U.S., on the one hand, and, on the other, points in the U.S.

MC 138890 (Sub-15), filed February 9, 1981. Applicant: MOODIE, INC., 301 Acorn St., Stevens Point, WI 54481. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *food and related products*, between points in Cassia County, ID, Malheur County, OR, Montcalm County, MI, Stark County, OH, Hartford County, CT, and Chester County, PA, on the one hand, and, on the other, points in the U.S.

MC 143351 (Sub-4), filed February 9, 1981. Applicant: DANTRAC, INC., 602 Airport Rd., Greenville, SC 29606. Representative: Clyde W. Carver, P.O.

Box 720434, Atlanta, GA 30328. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sutco, Inc., of Hot Springs, AR.

MC 145981 (Sub-33), filed February 9, 1981. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearney, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 147280 (Sub-6), filed February 9, 1981. Applicant: WARREN GRADWELL, d.b.a. W. L. GRADWELL TRANSPORT, 450 N.E. 44th St., Des Moines, IA 50313. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products*, between points in Emmet and Woodbury Counties, IA, Minnehaha County, SD, and Martin and Nobles Counties, MN, on the one hand, and, on the other, points in AZ, CA, KS, LA, NV, NM, OK, and TX.

MC 148380 (Sub-6), filed February 9, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Economics Laboratory, Inc., of St. Paul, MN.

MC 148700 (Sub-2), filed February 9, 1981. Applicant: JERICHO TRUCKING CO., INC., S9 W26422 Windsor Place, Waukesha, WI 53186. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting (1) *metal products*, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Badger Steel Sales, Inc., of Oconomowoc, Wis., in (1) above, and D C S Color & Supply Co., Inc., of Milwaukee, WI, in (2) above.

MC 148791 (Sub-8), filed February 9, 1981. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with J. C. Penney Company, Inc., of New York, NY.

MC 150950 (Sub-1), filed February 9, 1981. Applicant: DALLAS

CONSOLIDATORS, INC., 2300 East Pioneer Drive, Irving, TX 75061. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Kansas City, MO.

MC 153090 (Sub-1), filed February 9, 1981. Applicant: R & J TRANSPORTATION SERVICES, INC., 644 Whitehead Rd., Trenton, NJ 08648. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Metal Litho Corporation, of Elizabeth, NJ, Metal Litho International, Inc., of Trenton, NJ, and Metal Litho (West Virginia) Corporation, of Weirton, WV.

MC 153181 (Sub-1), filed February 9, 1981. Applicant: REILLY BROTHERS, INC., 519 Centre St., Nutley, NJ 07110. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *textile mill products*, between points in Hudson County, NJ, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81-7227 Filed 3-5-81; 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.

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 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.

Volume No. OP3-183

Decided: February 24, 1981.

By the Commission, Review Board No. 1. Members, Carleton, Joyce and Jones.

MC 3114 (Sub-43), filed February 6, 1981. Applicant: T. H. COMPTON, INC. R.F.D. No. 1, Berkeley Springs, WV 25411. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW, Washington, DC 2006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in MC 3114 and related subs, at applicant's written request.

MC 30114 (Sub-11), filed February 4, 1981. Applicant: MOLA TRUCKING, INC., d.b.a. MITCHKO TRUCKING, 650 Myrtle Ave., Boonton, NJ 07005. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *rubber and plastic products*, between the facilities used by Imco Container Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 31675 (Sub-31), filed February 5, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Jay R. Hanson (same address as applicant). Transporting (1) *general commodities* (except classes A and B explosives), (a)

between the facilities of Jos. Schlitz Brewing Company, in the U.S., on the one hand, and, on the other, points in the U.S., and (b) between the facilities of Dayco Corporation in the U.S., on the one hand, and, on the other points, in the U.S.; (2) *building materials* (a) between points in Lancaster County, PA, on the one hand, and, on the other, points in AZ, CA, CO, CT, DE, IA, MA, ME, MD, MT, NH, NV, NJ, NY, NC, OR, PA, SC, VT, VA, WA, WV, WY, and DC, and (b) between points in Escambia County, FL, on the one hand, and, on the other, points in the U.S.; (3) *rubber and plastic products*, between points in Berks County, PA, on the one hand, and, on the other, points in AL, AR, CT, FL, GA, IL, IN, KY, MA, MD, MI, MO, MS, NJ, PA, NY, NC, OH, RI, SC, TN, VA, WI, and WV; (4) *metal products*, between points in Cuyahoga and Hamilton Counties, OH, on the one hand, and, on the other, points in CT, IL, IN, KY, MI, MN, MO, NY, OH, PA, TN, VA, and WI; (5) *lumber and wood products*, between points in Mecklenburg County, NC, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MS, MO, NJ, NY, OK, PA, RI, NC, SC, TN, TX, VA, LA, MN, NH, WV, WI, ND, SD, NE, and VT; (6) *such commodities* as are dealt in or used by grocery and food business houses, between the facilities of Borden Foods, Division of Borden, Inc., in the U.S.; on the one hand, and, on the other, points in the U.S.; and (7) *waste or scrap materials*, between points in the U.S.

MC 65475 (Sub-46), filed February 6, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *metal products*, between points in the U.S.

MC 96235 (Sub-1), filed February 6, 1981. Applicant: C. G. BORING TRUCKING, INC., Star Route Box A-7, Belleville, PA 17004. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *sand and gravel*, between points in Cumberland, Atlantic, Camden, and Gloucester Counties, NJ, on the one hand, and, on the other, those points in the U.S. in and east of MS, TN, KY, IL, and WI.

MC 106644 (Sub-359), filed February 5, 1981. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental

cancellation of carrier's existing certificates, at applicant's written request, in MC 106644 and related Subs.

MC 148705 (Sub-3), filed February 6, 1981. Applicant: TWIN CONTINENTAL TRANSPORT CORPORATION, 5738 Olson Highway, Minneapolis, MN 55422. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. Transporting *alcoholic beverages*, between points in Hennepin and Ramsey Counties, MN, on the one hand, and, on the other, points in CA and FL.

Volume No. OP3-185

Decided: February 25, 1981.

By the Commission Review Board No. 2 Members, Chandler, Eaton, and Liberman participating.

MC 31675 (Sub-32), filed February 6, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 82834. Representative: Jay R. Hanson (same address as applicant). Transporting (1) *pulp, paper and related products*, between points in Fulton and Cobb Counties, GA, on the one hand, and, on the other, points in the U.S.; (2) *metal products*, (1) between points in Guinnett and Fulton Counties, GA, and Georgetown County, SC, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and TX; and (2) between points in Georgetown County, SC, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OK, OH, PA, RI, SC, TN, TX, VA, VT, WV and WI; (3) *general commodities* (except classes A and B explosives), between points in Richland County, SC, on the one hand, and, on the other, points in the U.S.; (4) *chemicals and related products*, (1) between Kingstree, SC, on the one hand, and, on the other, points in the U.S., and (b) between points in Bartow County, GA, on the one hand, and, on the other, points in IA; (5) *electrical machinery*, between points in Catawba County, NC, on the one hand, and, on the other, points in AL, FL, IL, IN, KY, MS, TN and WV; and (6) *rubber and plastic products*, between points in Mecklenburg County, NC, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 65475 (Sub-45), filed February 6, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *such commodities* as are dealt in or used by manufacturers of floating pier systems and marinas, between points in the U.S.

MC 89684 (Sub-118), filed February 6, 1981. Applicant: WYCOFF COMPANY, INCORPORATED, P.O. Box 366, Salt Lake City, UT 84110. Representative: John J. Morrell (same address as applicant). Transporting *machinery*, between Denver, CO, on the one hand, and, on the other, points in UT, ID, NV, and WY.

MC 120325 (Sub-5), filed February 6, 1981. Applicant: FRAME'S MOTOR FREIGHT, INC., 1233 Wright's Lane, West Chester, PA 19380. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *general commodities* except classes A and B explosives), between points in Philadelphia, Delaware, Chester, Montgomery, Bucks, Northampton, Lehigh, Berks, and Lancaster Counties, PA, New Castle County, DE, and Burlington, Camden, Gloucester, Mercer and Salem Counties, NJ, on the one hand, and, on the other, New York, NY, and points in DE, MD, NJ, PA, and DC.

MC 136844 (Sub-6), filed February 6, 1981. Applicant: HENRY BRISTOL, d.b.a. B & B TRANSPORT & LEASE, P.O. Box 877, Palatine, IL 60067. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *candy and confectionery*, between points in the U.S., under continuing contract(s) with M&M/MARS, Division of Mars, Inc., of Hackettstown, NJ.

MC 136844 (Sub-7), filed February 6, 1981. Applicant: HENRY BRISTOL, d.b.a. B & B TRANSPORT & LEASE, P.O. Box 877, Palatine, IL 60067. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *adhesives and decorative brick facings*, between points in the U.S., under continuing contract(s) with H. B. Fuller Co., of Palatine, IL.

MC 144844 (Sub-14), filed February 6, 1981. Applicant: OZARK TRANSPORTATION, INC., P.O. Box 203, Greenville, MO 63944. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *metal products*, between Chicago, IL, and St. Louis, MO, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, LA, KS, KY, MO, MS, NE, OK, TN, TX, and WI.

MC 147264 (Sub-13), filed February 6, 1981. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood Ave., Muncie, IN 47302. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *food and related products*, between points in LaPorte County, IN, and points in AR, IN, IL, IA, KS, KY, LA, MN, MS, MO, TN, and TX.

MC 148035 (Sub-9), filed February 6, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Transporting *chemicals and related products, petroleum, natural gas and their products*, between Pottawattamie and Monona Counties, IA, and points in NE.

MC 149014 (Sub-3), filed February 3, 1981. Applicant: EAGLE LINES INC., P.O. Box 902, Merrimack, NH 03054. Representative: Henry Sepessy, 10 Canterbury Way, Merrimack, NH 03054. Transporting *food and related products*, between Holland, MI, and points in Lucas, Sanduski and Ottawa Counties, MI, on the one hand, and, on the other, points in CT, ME, MA, NH, RI and WI.

MC 150664 (Sub-2), filed February 6, 1981. Applicant: RESIDENTIAL DELIVERY CARRIERS, INC., 1308 E. Lexington Avenue, Post Office Box 5674, High Point, NC 27262. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. Transporting *furniture and fixtures*, between points in NC, on the one hand, and, on the other, points in U.S.

MC 151204 (Sub-1), filed February 6, 1981. Applicant: 321 EQUIPMENT LEASING CO., 712 West Airline Avenue, Gastonia, NC 28052. Representative: Rebecca P. Dalton (same address as applicant). Transporting *such commodities* as are dealt in or used by department stores between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 151655 (Sub-2), filed February 2, 1981. Applicant: FRANK BROS. TRUCKING CO., a corporation, 349 Abbott Avenue, Hillsboro, TX 76645. Representative: Charles E. Munson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. Transporting *metal products*, between points in the U.S., under continuing contract(s) with United McGill Corporation, of Hillsboro, TX.

MC 154004, filed February 6, 1981. Applicant: TRANSPORTATION TECHNIQUES, INC., 10 Potomac Lane, Southington, CT 06489. Representative: Gerald A. Joseloff, P.O. Box 3528, Hartford, CT 06103. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Diamond International Corporation, of New York, NY.

MC 154105 (Sub-2), filed February 6, 1981. Applicant: CARDINAL

CONTRACT CARRIERS, INC., North Carolina Hwy 150, P.O. Box 471, Cherryville, NC 28021. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wix Corporation, of Gastonia, NC.

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under section 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 154194 filed February 6, 1981. Applicant: TRINITY TRANSPORT, INC., Route 2, Box 19B, Federalsburg, MD 21632. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036. Transporting *food and related products*, between points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

Volume No. OP3-186

Decided: February 25, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman participating.

MC 106775 (Sub-46), filed February 2, 1981. Applicant: ATLAS TRUCK LINE, INC., 15015 East Freeway, Houston, TX 77015. Representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 136844 (Sub-5), filed February 6, 1981. Applicant: HENRY BRISTOL, d.b.a. B & B TRANSPORT & LEASE, P.O. Box 877, Palatine, IL 60067. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP3-188

Decided: February 26, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman Participating.

MC 10875 (Sub-61), filed February 6, 1981. Applicant: BRANCH MOTOR EXPRESS COMPANY, a corporation, 114 Fifth Ave., New York, NY 10011. Representative: Jack R. Turney, Jr., 2001 Massachusetts Ave., N.W., Washington,

DC 20036. Transporting *general commodities* (except classes A and B explosives), serving points in AL, CT, DE, GA, IL, IN, IA, KY, ME, MA, MD, MO, NE, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, and WV, as off-route points in connection with applicant's presently authorized regular-route operations. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation, at applicant's written request, of existing certificate in No. MC-10875 and related Subs.

Note.—Applicant intends to tack this authority with its existing authority.

MC 107295 (Sub-1017), filed February 3, 1981. Applicant: PRE-FAB TRANSIT COMPANY, a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Chandler L. Van Orman, 1729 H Street, N.W., Washington, DC 20006. Transporting *building materials*, between points in the U.S.

MC 107295 (Sub-1018), filed February 6, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *general commodities*, (except class A and B explosive), between the facilities used by Lowe's Company located in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, TX, VA, WV and DC on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, TX, VA, WV and DC.

MC 116915 (Sub-134), filed January 15, 1981, previously notice in *Federal Register* on February 13, 1981. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Route #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *refractories, refractory products, insulation, and insulating materials*, between points in Jefferson and Barbour Counties, AL, Pulaski County, AR, Bibb County, GA, Grundy County, IL, Callaway and Audrain Counties, MO, Stark and Jackson Counties, OH, Clarion, Allegheny, and Philadelphia Counties, PA, Middlesex County, NJ, Pueblo County, CO, Mayes County, OK, Brazoria and Hopkins Counties, TX, and Latah County, ID, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the commodity description to include "refractory products."

MC 128205 (Sub-104), filed February 6, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 S. Doty Ave., Chicago, IL 60628. Representative:

E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *commodities in bulk*, between points in IL, IN, MI, and OH, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation; at applicant's written request, of carrier's existing certificate in No. MC 128205 and related subs.

MC 136595 (Sub-12), filed February 5, 1981. Applicant: EASTSIDE ENTERPRISES, INC., 1440 South A St., Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Transporting *Mobile homes and buildings*, between points in OR, WA, ID, and CA.

MC 148314 (Sub-8), filed February 2, 1981. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 South La Salle St., Chicago, IL 60603. Transporting *general commodities*, (except classes A and B explosives), between points in the US, under continuing contract(s) with Kal Kan Foods, Inc., of Vernon, CA, W.R. Grace & Co., of Reading, PA, Scholle Corporation, of Northlake, IL, Camfield Chemical Co., Inc., of Newark, CA, Ekco Products, Inc., of Wheeling, IL, and Lever Bros. Company, of New York, NY.

MC 154224, filed January 30, 1981. Applicant: SAND CREEK TRANSPORT, INC., Route 2, Jordan, MN 55352. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Transporting *sand*, between points in the US, under continuing contract(s) with Minnesota Fracsand Company of St. Paul, MN.

MC 154225, filed February 2, 1981. Applicant: THOMAS JARLAND, Rural Route #1, Harmony, MN 55939. Representative: Richard L. Gill, 1805 American National Bank Building, St. Paul, MN 55101. Transporting *general commodities*, between points in the US, under continuing contract(s) with Harmony Enterprises, Inc., Fillmore Co-op Services, Kiehne Farm Automation, Hahn Lumber Co., P & H Implement, all of Harmony, MN.

Note.—To the extent the certificate granted in the proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

Volume No. OP3-191

Decided: February 26, 1981.

By the Commission Review Board No. 1, Members Carleton, Joyce and Jones.

MC 152814 (Sub-2), filed January 28, 1981. Applicant: GOOD TRANSPORT,

INC., 1118 East 223rd St., Carson, CA 90745. Representative: Mitchell Aaronson, 1880 Century Park East, Suite 1400, Los Angeles, CA 90067. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Talney Manufacturing Co., of Gardena, CA. 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".

[FR Doc. 81-7225 Filed 3-5-81; 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.

By the Commission, Review Board No. 2, Members Chandler, Eaton and Liberman. 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. OP1-052

Decided February 25, 1981.

By the Commission, Review Board No. 2, Members, Chandler, Eaton and Liberman.

MC 200 (Sub-583), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives) between points in AL, CA, GA, IL, LA, MN, MO, MS, NJ, OH, SC, TX, and WY, on the one hand, and, on the other, points in the U.S.

MC 15401 (Sub-4), filed January 30, 1981. Applicant: STORER TRANSPORTATION SERVICE, INC., 3519 McDonald Ave., Modesto, CA 95351. Representative: Ronald C. Chauvel, 100 Pine St., Ste. 2550, San Francisco, CA 94111. Transporting *passengers and their baggage*, in round-trip, special and charter operations, beginning and ending at points in Merced County, CA, and extending to points in the U.S.

MC 35690 (Sub-4), filed February 6, 1981. Applicant: CENTRAL N.Y. COACH LINES, INC., 66 Calder Ave., Box 250, Yorkville, NY 13495. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *passengers and their baggage*, in special operations, (1) beginning and ending at Utica and Rome, NY, and extending to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI, and WY, and (2) beginning and ending at Syracuse, NY, and extending to points in the U.S.

MC 75840 (Sub-154), filed January 21, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting *general commodities* (except classes A and B explosives) between the facilities used by Diamond Shamrock Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 94430 (Sub-52), filed February 4, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting *clay, concrete, glass or stone products*, between points in CT, DE, IL, IN, IA, KY, MD, MI, MN, MO, NJ, NY, NC, OH, PA, TN, VA, WV and WI.

MC 106920 (Sub-123), filed February 4, 1981. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W. Washington, DC 20001. Transporting *rubber and plastic products, chemicals and related products, metal products, textile mill products, and petroleum, natural gas, and their products*, between points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 106920 (Sub-125), filed February 6, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W. Washington, DC 20001. Transporting *food and related products*, between points in Yates, Wayne, Cayuga, and Ontario Counties, NY, on the one hand, and, on the other, points in DE, IL, IN, IA, KS, KY, MD, MN, MO, MI, OH, PA, TN, VA, WV, and WI.

MC 108341 (Sub-200), filed February 6, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same

address as applicant). Transporting *metal products*, between points in Bibb County, GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 114211 (Sub-502), filed February 5, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *lumber, lumber mill products, forest products, wood products, and building materials*, between points in the U.S.

MC 114211 (Sub-505), filed February 6, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *lumber and wood products, and forest products*, between points in WY, on the one hand, and, on the other, points in the U.S.

MC 124211 (Sub-382), filed February 5, 1981. Applicant: HILT TRUCK LINES, INC., P.O. Box 988 DTS, Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers or distributors of beverages, between points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of its certificates in MC-124211 Sub-Nos. 10, 11, 18, 33, 81, 97, 116, 124, 131, 132, 149, 150, 154, 172, 205, 209, 223, 229, 231, 235, 246G, 261, 273, 275, 276, 319, 333, 349, and 375.

MC 128861 (Sub-2), filed February 5, 1981. Applicant: OK DELIVERY SYSTEM, INC., P.O. Box 4325, Portland, OR 97208. Representative: John A. Anderson, Suite 1600 One Main Pl, 101 SW Main St., Portland, OR 97204. Transporting *general commodities* (except classes A and B explosives), between points in Multnomah, Washington, and Clackamas Counties, OR, and Clark County, WA, on the one hand, and, on the other, points in OR and WA.

MC 133951 (Sub-1), filed February 6, 1981. Applicant: PIEPHO MOVING & STORAGE, INC., 110 South Columbus, Abert Lea, MN 56007. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Transporting *food and related products*, between points in Freeborn County, MN, on the one hand, and, on the other, points in IA, IL, KS, MO, NE, ND, SD, and WI.

MC 135441 (Sub-2), filed February 6, 1981. Applicant: M.C. TRUCKING CO., INC., 500 Mohican Road, Pennsauken,

NJ 08110. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *general commodities* (except classes A and B explosives), between points in NJ and Rockland County, NY, on the one hand, and, on the other, points in the U.S.

MC 136511 (Sub-106), filed February 5, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: Gary Wemlinger (same address as applicant). Transporting *furniture and fixtures*, between the facilities used by S & H Furniture, Inc., a Division of Sperry & Hutchinson Company, in NC, TN, and VA, on the one hand, and, on the other, points in the U.S.

MC 140820 (Sub-16), filed February 5, 1981. Applicant: A & R TRANSPORT, INC., 2996 N. Illinois 71, Ottawa, IL 61350. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *chemicals and related products*, between points in Cook and Will Counties, IL, on the one hand, and, on the other, points in IL, IN, IA, OH, MI, MN, MO, KY, and WI.

MC 144110 (Sub-7), filed February 5, 1981. Applicant: KANE TRANSPORT, INC., P.O. Box 126, Sauk Centre, MN 56378. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *petroleum, natural gas and their products*, between points in Stearns County, MN, on the one hand, and, on the other, points in ND and SD.

MC 146281 (Sub-10), filed February 6, 1981. Applicant: SILVER FLEET EXPRESS, INC., P.O. Box 6110, Knoxville, TN 37914. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W. Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between Cincinnati, OH, and those points in TN beginning at the KY-TN State line and extending along the western boundary line of Scott County to junction with the western boundary line of Morgan County, then along the Morgan County line to junction with the western boundary line of Cumberland County, then along the Cumberland County line to junctions with the western boundary line of Rhea County, then along the Rhea County line to junction with the southern boundary line of Meigs County, then along the Meigs County line to junction with the southern boundary line of McMinn County, then along the McMinn County line to junction with the southern boundary line of Monroe County, then along the Monroe County line to junction with the NC-TN State line, then

along the NC-TN State line to junction TN Hwy 70, then along TN Hwy 70 to the KY-TN State line, then along the KY-TN State line to the point of beginning, on the one hand, and, on the other, points in LA, MS, AL, GA, KY, OH, TN, and IN.

MC 146290 (Sub-10), filed February 6, 1981. Applicant: DON THREDE, d.b.a. DON THREDE TRUCKING CO., 1777 Arnold Industrial Hwy, Concord, CA 94520. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *machinery* between points in the U.S., under continuing contract(s) with Morrow Crane Company, of Oakland, CA.

MC 146890 (Sub-31), filed February 6, 1981. Applicant: C & E TRANSPORT, INC., d.b.a. C.E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 666 Eleventh St., N.W., No. 805, Washington, DC 20001. Transporting *food and related products*, between points in Gibson County, TN, on the one hand, and, on the other, points in the U.S.

MC 146890 (Sub-32), filed February 6, 1981. Applicant: C & E TRANSPORT, INC. d.b.a. C.E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 666 Eleventh St., N.W., Suite 805, Washington, DC 20001. Transporting *food and related products*, between points in Grayson County, TX, on the one hand, and, on the other, points in the U.S.

MC 147310 (Sub-2), filed February 4, 1981. Applicant: RUSTAD BUS SERVICE, INC., Kerkhoven, MN 56252. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting (1) *passengers and their baggage*, in the same vehicle with passengers, and (2) *baggage of passengers* in a separate vehicle, in round-trip charter operations, beginning and ending at Granite Falls, MN, and points in Douglas, Lac qui Parle, Pope and Chippewa Counties, MN, and extending to points in the U.S.

MC 147311 (Sub-2), filed February 4, 1981. Applicant: T & S TRANSPORTATION, INC., 7420 Ranco Road, P.O. Box 9729, Richmond, VA 23228. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting *general commodities* (except classes A and B explosives), between Granger, Herrold, and Camp Dodge, IA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 148390 (Sub-5), filed January 27, 1981. Applicant: TRIWAYS, INC., 12302 Wardman Ave., Whittier, CA 90602. Representative: William Davidson, 2455 E. 27th St., Los Angeles, CA 90058. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with K-Mart Apparel Corporation, of North Bergen, NJ, Sears Roebuck & Co., of Los Angeles, CA, Montgomery Ward & Co., of Chicago, IL, and Nicolai Co., of Portland, OR.

MC 148890 (Sub-3), filed February 4, 1981. Applicant: SENTRY ARMORED COURIER CORP., 3548 Boston Rd., Bronx, NY 10469. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Transporting *coin and currency*, between points in the U.S., under continuing contract(s) with The Federal Reserve Bank of New York, of New York, NY.

MC 151220 (Sub-3), filed February 6, 1981. Applicant: DULANEY INVESTMENTS, INC., Suite 111, 305 W. Chesapeake Ave., Towson, MD 21204. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Crown Zellerbach, of South Glens Falls, NY.

MC 154011, filed February 4, 1981. Applicant: O'CONNOR ENTERPRISES, INC., d.b.a. O'CONNOR OILFIELD SERVICE, Box 511, Baker, MT 59313. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Transporting *Mercer commodities*, between points in MT, ND, and SD.

MC 154110, filed February 4, 1981. Applicant: BROWER & EVEN MOVING, a partnership, 6512 W. Essex Drive, Sioux Falls, SD 57106. Representative: A. J. Swanson, P.O. Box 1103, 228 North Phillips Ave., Sioux Falls, SD 57101. Transporting *household goods*, between points in Minnehaha, Lincoln, Moody, Hutchinson, McCook, Turner, Lake and Union Counties, SD, on the one hand, and, on the other, points in NE, IA, MN, ND, MO, IL, WI, CO, WY, and SD.

Volume No. OP1-054

Decided: February 25, 1981.

By the Commission, Review Board No. 3, Members, Parker, Fortier, and Hill.

MC 200 (Sub-556), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *medical supplies*, between points in

Tulsa County, OK, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-582), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Marion County, IN, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-584), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in CA, IL, IN, and WI, on the one hand, and, on the other, points in the U.S.

MC 3121 (Sub-11), filed February 6, 1981. Applicant: STEEL TRUCKING, INC., 210 Northview Drive, Brookfield, OH 44403. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sharon Steel Corporation, of Sharon, PA.

MC 18121 (Sub-33), filed February 2, 1981. Applicant: ADVANCE TRANSPORTATION COMPANY, a corporation, 5005 South Sixth St., Milwaukee, WI 53201. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Over regular routes, transporting *general commodities* (except Classes A and B explosives), (1) between Chicago, IL, and Detroit, MI, over Interstate Hwy 94, serving all intermediate points, (2) between Detroit, MI, and Toledo, OH, over Interstate Hwy 75, serving all intermediate points, (3) between Chicago, IL and Cleveland, OH, from Chicago, IL, over Interstate Hwy 94 to junction Interstate Hwys 80/90, then over Interstate Hwys 80/90 to junction Interstate Hwy 90 at or near Elyria, OH, then over Interstate Hwy 90 to Cleveland, OH, and return over the same route, serving all intermediate points, (4) between Gary, IN, and Cleveland, OH, over U.S. Hwy 20, serving all intermediate points, (5) between Cleveland, OH, and junction Interstate Hwys 70 and 77 at or near Cambridge, OH, over Interstate Hwy 77, serving all intermediate points, (6) between East St. Louis, IL and junction Interstate Hwys 70 and 77 at or near Cambridge, OH, over Interstate Hwy 70, serving all intermediate points, (7)

between St. Louis, MO, and Saginaw, MI, from St. Louis, MO, over Interstate Hwy 70 to junction Interstate Hwy 69 at or near Indianapolis, IN, then over Interstate Hwy 69 to junction Interstate Hwy 75 at or near Flint, MI, then over Interstate Hwy 75 to Saginaw, MI, and return over the same route, serving all intermediate points, (8) between Rock Island, IL, and Indianapolis, IN, from Rock Island, IL, over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Indianapolis, IN, and return over the same route, serving all intermediate points, (9) between Chicago, IL, and Cincinnati, OH, from Chicago, IL, over Interstate Hwy 94 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 74 at or near Indianapolis, IN, then over Interstate Hwy 74 to Cincinnati, OH, and return over the same routes, serving all intermediate points, (10) between Chicago, IL, and Muskegon, MI, from Chicago, IL over Interstate Hwy 94 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Muskegon, MI, and return over the same route, serving all intermediate points, (11) between Muskegon and Port Huron, MI, from Muskegon, MI over Interstate Hwy 96 to junction MS Hwy 21, then over MS Hwy 21 to Port Huron, MI, and return over the same route, serving all intermediate points, (12) between Bay City, MI, and Cincinnati, OH, from Bay City, MI over MS Hwy 13 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Cincinnati, OH, and return over the same route, serving all intermediate points, (13) between Lansing, MI and Indianapolis, IN, from Lansing, MI, over U.S. Hwy 27 to junction Interstate Hwy 69, then over Interstate Hwy 69 to Indianapolis, IN, and return over the same route, serving all intermediate points, (14) between Grand Rapids, MI and Detroit, MI, over Interstate Hwy 96, serving all intermediate points, (15) between Chicago, IL and Columbus, OH, from Chicago, IL over Interstate Hwy 94 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 33, then over U.S. Hwy 33 to Columbus, OH, and return over the same route, serving all intermediate points, (16) between Indianapolis, IN, and South Bend, IN, over U.S. Hwy 31, serving all intermediate points, (17) between Cleveland, OH and Cincinnati, OH, over Interstate Hwy 71, serving all intermediate points, (18) between Chicago, IL and Minneapolis, MN, from Chicago, IL over Interstate Hwy 90 to junction Interstate Hwy 94 at or near

Madison, WI, then over Interstate Hwy 94 to Minneapolis, MN, and return over the same route, serving all intermediate points, (b) from Chicago, IL, over U.S. Hwy 41 to junction U.S. Hwy 10 at or near Appleton, WI, then over U.S. Hwy 10 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Minneapolis, MN, and return over the same route, serving all intermediate points, and (c) from Chicago, IL, over Interstate Hwy 94 to junction WI Hwy 57 at or near Milwaukee, WI, then over WI Hwy 57 to junction WI Hwy 29 at or near Green Bay, WI, then over WI Hwy 29 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Minneapolis, MN, and return over the same route, serving all intermediate points, and serving all points in IL, IN, MN, WI, OH, and the lower peninsula of MI as off-route points.

Note.—Applicant intends to tack this authority with all its existing authority.

MC 59241 (Sub-12), filed February 5, 1981. Applicant: JOHN GIBBONS, INC., 1400 Industrial Hwy., Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Transporting *chemicals and related products*, between points in DE, MD, NJ and PA.

MC 60271 (Sub-18), filed February 6, 1981. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, LA 71201. Representative: Sherri L. Roberts, (same address as applicant). Transporting *pulp, paper and related products*, between points in Ouachita Parish, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, MO, MS, OK, TN, and TX.

MC 61440 (Sub-206), filed January 27, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Levi Strauss and Company of Amarillo, TX.

MC 106001 (Sub-21), filed February 7, 1981. Applicant: DENNIS TRUCKING COMPANY, INC., 6951 Norwitch Dr., Philadelphia, PA 19153. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, KY, MA, MD, NJ, NY, OH, PA, RI, VA, WV, and DC.

MC 108341 (Sub-199), filed February 6, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St.,

P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in OH, PA, and WV, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, TN, VA, and WV.

MC 108341 (Sub-201), filed February 6, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon Street, P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts, 3027 North Tryon Street, P.O. Box 26125, Charlotte, NC 28213. Transporting *machinery and transportation equipment*, between points in Mecklenburg County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 112070 (Sub-23), filed January 30, 1981. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl Street, Denver, CO 80210. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036. Transporting *household goods*, as defined by the Commission, between points in the U.S., under continuing contract(s) with Stearns-Roger Engineering Corporation, of Glendale, CO.

MC 114211 (Sub-506), filed February 6, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adolor J. Warren (same address as applicant). Transporting *clay, concrete, glass or stone products*, between points in IA, on the one hand, and, on the other, points in the U.S.

MC 117201 (Sub-51), filed February 6, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *machinery and electrical equipment and supplies*, between points in CA, ID, OR, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 117370 (Sub-44), filed February 6, 1981. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *ores and minerals, clay, concrete, glass or stone products, and chemicals and related products*, (a) between points in IL, IN, IA, MI, and WI, and (b) between points in IL, IN, IA, MI, and WI, on the one hand, and, on the other, points in AL, AR, DE, KS, KY, LA,

MD, MN, MS, MO, NE, NJ, NY, ND, OH, OK, PA, SD, TN, VA, WV, WY, and DC.

MC 133951 (Sub-2), filed February 6, 1981. Applicant: PIEPHO MOVING & STORAGE, INC., 110 South Columbus. Albert Lea, MN 56007. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Transporting *food and related products*, between points in Freeborn County, MN, on the one hand, and, on the other, points in IA, IL, KS, MO, NE, ND, SD, and WI.

MC 143331 (Sub-16), filed November 20, 1980. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton Blvd., P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting (a) *containers, container closures, glassware, packaging products, and parts for containers*, (2) *scrap materials*, and (3) *materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles, and those requiring special equipment)*, between points in the U.S. (except AK and HI), under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH.

MC 144011 (Sub-5), filed February 6, 1981. Applicant: HALL SYSTEMS, INC., 214 South 10th St., Birmingham, AL 35233. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Over regular routes transporting *general commodities (except classes A and B explosives)*, (1) between Birmingham, AL, and Miami, FL, from Birmingham over Interstate Hwy 65 to Montgomery, AL, then over U.S. Hwy 231 to Dothan, AL, then over U.S. Hwy 84 to Bainbridge, GA, then over U.S. Hwy 27 to Tallahassee, FL, then over U.S. Hwy 90 (also over Interstate Hwy 10) to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Florida's Turnpike at or near Wildwood, FL, then over the Florida's Turnpike to Miami, FL, and return over the same route, serving all intermediate points, (2) between junction U.S. Hwy 90 and Interstate Hwy 75 and Miami, FL, from junction U.S. Hwy 90 and Interstate Hwy 75 over U.S. Hwy 90 to Jacksonville, FL, then over Interstate Hwy 95 to Miami, FL, and return over the same route, serving all intermediate points, and (3) between junction Interstate Hwys 10 and 75 and junction Interstate Hwys 10 and 95, over Interstate Hwy 10, serving all intermediate points, and points in Palm Beach, Boward, Monroe, and Dade Counties, FL as off-route points in connection with routes (1) through (3) above.

MC 144170 (Sub-2), filed January 12, 1981. Applicant: NATIONWIDE TRUCK LINES, INC., P.O. Box 609, Ennis, TX 75119. Representative: Ray Sisk (same address as applicant). Transporting *food and related products*, (1) between points in AL, AR, CT, DE, GA, IL, IN, KY, LA, MA, MD, MI, NC, NJ, NY, OH, PA, SC, TN, VA, and WI, on the one hand, and, on the other, points in AZ, CA, OR, TX, and WA, (2) between points in TX, on the one hand, and, on the other, points in AZ, CA, CT, DE, GA, IL, IN, KY, MA, MD, MI, NC, NJ, NY, OH, OR, PA, SC, VA, WA, and WI, and (3) between points in CA, on the one hand, and, on the other, points in OR, WA, and WI.

MC 144991 (Sub-3), filed January 30, 1981. Applicant: KINGSWAY TRANSPORTS, INC., 123 Rexdale Blvd., Rexdale, Ontario, Canada M9W 1P3. Representative: John W. Bryant, 900 Guardian Bldg., Detroit, MI 48226. Over regular routes, transporting *general commodities (except classes A and B explosives)*, (1) between Buffalo and New York, NY, (a) from Buffalo over Interstate Hwy 90 to junction Interstate Hwy 87, then over Interstate Hwy 87 to New York, and return over the same route, and (b) from Buffalo over Interstate Hwy 90 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 380, then over Interstate Hwy 380 to junction Interstate Hwy 80, then over Interstate Hwy 80 to New York, and return over the same route, (2) between Rochester and New York, NY, from Rochester over NY Hwy 96 to junction NY Hwy 14, then over NY Hwy 14 to junction NY Hwy 17, then over NY Hwy 17 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction PA Hwy 307, then over PA Hwy 307 to junction PA Hwy 611, then over PA Hwy 611 to junction U.S. Hwy 46, then over U.S. Hwy 46 to junction NJ Hwy 31, then over NJ Hwy 31 to junction U.S. Hwy 22, then over U.S. Hwy 22, to Newark, NJ, then over city streets to New York, and return over the same route, (3) between Lockport and Buffalo, NY, from Lockport over NY Hwy 31 to junction NY Hwy 425, then over NY Hwy 425 to junction NY Hwy 384, then over NY Hwy 384 to Buffalo, and return over the same route, (4) between Lockport and Rochester, NY, over NY Hwy 31, (5) between junction Interstate Hwy 90 and Interstate Hwy 87 and junction U.S. Hwy 2 and NY Hwy 9B, from junction Interstate Hwy 90 and Interstate Hwy 87 over Interstate Hwy 87 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction NY Hwy 9B, then over NY Hwy 9B to junction U.S. Hwy 2, and return over the same route, and (6) between junction Interstate Hwy 90 and

Interstate Hwy 81 and junction U.S. Hwy 11 and Interstate Hwy 87, from junction Interstate Hwy 90 and Interstate Hwy 81 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 junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 87, and return over the same route, serving all intermediate points in (1) thru (6) above, and serving Old Forge, Wilkes-Barre, and Forty Fort, PA, Akron, Amherst, Depew, Gardenville, Getzville, Hamburg, Lackawanna, Lancaster, Newfane, Olcott, Pendleton, Williamsville, Wilson, Barker, Carlton, Clarendon, Hamlin, Hilton, Jeddo, Johnson Creek, Lyndonville, and Shelby, NY, and ports of entry on the international boundary line between the U.S. and Canada in NY as off-route points.

MC 147461 (Sub-4), filed February 6, 1981. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Drive, Baltimore, MD 21224. Representative: Eugene T. Liipfert, Suite 1100, 1660 L St., NW., Washington, DC 20036. Transporting *currency, coin, securities, non-cash coupons, and other valuables*, between Cincinnati, OH, on the one hand, and, on the other, points in Adams, Brown, Clermont, Lawrence, and Scioto Counties, OH.

MC 148370 (Sub-6), filed February 6, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: A. Joseph Mega (same address as applicant). Transporting (1) *textile mill products*, (2) *pulp, paper and related products*, (3) *rubber and plastic products*, (4) *metal products*, and (5) *machinery*, between points in the U.S., under continuing contract(s) with Chelsea Industries, Inc., of Boston, MA.

MC 148401 (Sub-4), filed February 6, 1981. Applicant: HENRY F. JOHNSON, d.b.a. GREENLEAF TRANSPORTATION, 1150 Sunnyhills Ave., Brea, CA 92621. Representative: Henry F. Johnson (same address as applicant). Transporting *general commodities (except classes A and B explosives)*, between points in CA, AZ, NV, UT, CO, NM, and TX.

MC 149151 (Sub-3), filed February 6, 1981. Applicant: SCHUH TRANSPORT, INC., P.O. Box 207, Kaukauna, WI 54130. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *chemicals and related products, and commodities in bulk*, between points in the U.S., under continuing contract(s) with Cooperative Service Oil Company, of Chilton, WI, Larson Cooperative, of

Larson, WI, and Center Valley Co-op Association, of Black Creek, WI.

MC 149151 (Sub-3), filed February 6, 1981. Applicant: SCHUH TRANSPORT, INC., P.O. Box 207, Kaukauna, WI 54130. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Cooperative Service Oil Company, of Chilton, WI, Larson Cooperative, of Larson, WI, and Center Valley Co-op Association, of Black Creek, WI.

MC 149211 (Sub-3), filed January 29, 1981. Applicant: CONMAC STAGE LINES LTD., 2280 Beacon Ave., Sidney, B.C., Canada V8L 1X1. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points on the international boundary line between the U.S. and Canada in WA and extending to points in WA, OR, CA, NV, AZ, and MT.

MC 151311 (Sub-2), filed February 6, 1981. Applicant: BEVERAGE DISTRIBUTORS, INC., P.O. Box 366, Yakima, WA 98907. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, those points in WA and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its Permits in MC 135680, Subs 4, 5, 7, and 8.

Note.—The purpose of this application is to convert applicant's contract authority to common carrier authority.

MC 152120 (Sub-1), filed February 5, 1981. Applicant: CLEAN HARBORS, INC., 436 West Street, West Bridgewater, MA 02379. Representative: Alan S. McKim (same address as applicant). Transporting *hazardous waste*, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada. Condition: To the extent that any certificate issued in this proceeding authorizes the transportation of hazardous waste it shall expire 5 years from its issuance.

MC 153811 (Sub-2), filed February 3, 1981. Applicant: TRANSPORTATION

SYSTEM OF AMERICA, INC., 3905 River Rd., Pennsauken, NJ 08110. Representative: Richard M. Parnicky, 71 West Park Ave., Vineland, NJ 08360. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company at points in Jefferson County, KY, on the one hand, and, on the other, points in the U.S. in and east of IA, KS, MN, OK, and TX.

MC 153990, filed February 3, 1981. Applicant: PERSONAL MOVING & STORAGE SERVICE, INC., 88 Cambridge, St., Burlington, MA 01803. Representative: W. H. Tomlinson, P.O. Box 7966, Columbus, GA 31906. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lechmere Sales, of Woburn, MA.

MC 151171, filed February 6, 1981. Applicant: THEODORE R. WILLIAMS, d.b.a. WILLIAMS BUS RENTAL, 37A Ebony Rd., Littleton, NC 27850. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in Halifax, Northampton, Vance, and Warren Counties, NC, and extending to points in AL, CT, DE, FL, GA, KY, MA, MD, ME, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, and DC.

MC 154180, filed February 6, 1981. Applicant: PENROSE TRANSPORT, INC., Parkers Prairie, MN 56361. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *petroleum, natural gas and their products*, between points in Douglas County, WI, on the one hand, and, on the other, points in MN, ND, SD, and the Upper Peninsula of MI.

Note.—To the extent that any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from its date of issuance.

Volume No. OP1-055

Decided February 25, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 154161, filed February 4, 1981. Applicant: GEORGE A. MARTIN, 14 Jacobs Trail/Ames Lake, North Easton, MA 02356. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner

of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7226 Filed 3-5-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 32]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 3, 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 statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Aispaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 17000 (Sub-27)X, filed February 19, 1981. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, TN 38462. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions from its Sub-21F certificate to (1) broaden its commodity description from fans, heaters, and commodities used in the manufacture and distribution of fans and heaters, (except commodities in bulk, in tank vehicles), to "metal

products and machinery," (2) to replace authority to serve a named facility with county-wide authority: facilities at Franklin, TN with Williamson County, TN, and (3) to remove the restriction against the transportation of commodities in bulk, in tank vehicles and traffic originating at or destined to named facilities.

MC 52979 (Sub-26)X, filed February 17, 1981. Applicant: HUNT TRUCK LINES, INC., West High Street, Rockwell City, IA 50579. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its irregular-route authority in the lead and Sub-2, 3, 8, 14, 18, 20 and 21 certificates, and regular-route authority in Sub-3, 8, and 17 certificates. It seeks to (1) broaden the commodity descriptions: from machine parts to "machinery," non-alcoholic beverages, malt beverages, and poultry, feathers, eggs and butter to "food and related products," hardware and automotive supplies to "metal products and transportation equipment" in the lead certificate; from iron and steel articles to "metal products" in Sub-2; from plaster, plasterboard, plasterboard joint system, lime products, and gypsum products to "building materials," livestock to "farm products," farm implements and farm machinery, implements, parts and supplies to "machinery," malt beverages to "food and related products," iron and steel products and fencing material to "metal products," hybrid seed corn, during the season extending from Jan. 1 to May 31, both inclusive of each year, to "farm products," packing house tankage, bone-meal, and meat scraps to "food and related products" in Sub-3; from livestock, grain, farm machinery, feed, and seed to "farm products and machinery," livestock to "farm products" in Sub-8; from iron and steel articles to "metal products" in Sub-14; from grain handling equipment, grain conveying systems, bucket elevators, and materials and supplies to "machinery" in Sub-18; from agricultural implements and parts and accessories and materials to "machinery" in Sub-20; and, from cylinders, manifolds and cranes and parts and materials to "transportation equipment and machinery" in Sub-21. (2) remove all exceptions in its general commodities authority "except classes A and B explosives" in Sub-3, 8, and 17, and (3) remove restrictions (a) against the transportation of commodities in bulk in Sub-14 and 18, (b) of iron and steel articles from points in OH in Sub-21, and (c) "originating at and destined to" in Sub-14 and 18. Applicant also seeks

to remove restrictions to traffic originating at or destined to a plantsite, substitute some county-wide authority in place of specified cities and plantsites, in its irregular routes authorities, authorize service at all intermediate points in connection with its regular-routes operations, where service is limited to specified intermediate points or no intermediate point service, and change territorial descriptions from one-way service to authorize radial service: in the lead certificate, between Hamilton Counties, IA (Webster City, IA) and Rock Island and Peoria Counties, IL (East Moline and Peoria, IL), La Porte County, IN (La Porte, IN), Jackson County, MO (Independence, MO), and Hennepin County, MN (Hopkins, MN); between Ramsey, Scott, and Stearns Counties, MN (St. Paul, Shakopee, and St. Cloud, MN), and Webster County, IA (Fort Dodge, IA); between Ramsey, Scott, and Stearns Counties, MN, Douglas County, NE (Omaha, NE) and Hardin County, IA (Iowa Falls, IA); between Adams County, IA (Corning, IA), Faribault County, MN (Winnebago, MN), points in a described portion of IA and Chicago, IL; between Chicago, IL, and points in IA; in Sub-2, between Chicago, IL, and points in a described portion of IA; in the regular route portion of Sub-3, between Chicago, IL and Rockwell City, IL, serving all intermediate points; between Minneapolis, MN and junction U.S. Hwy 20 and unnumbered Hwy near Somers, IA, serving all intermediate points; in the irregular route portion of Sub-3; between Webster County, IA (Fort Dodge, IA) and points within 6 miles of Fort Dodge, and points in parts of MN; between Pocahontas, Humboldt, Webster, and points within 25 miles of Lake City, IA, and Freeborn, Mower, and Dakota Counties, MN (Albert Lea, Austin, and South St. Paul, MN); between Rock Island County, IL (Rock Island, Moline, and East Moline, IL), and Buena Vista, Cherokee, Ida, Monona, Crawford, Audubon, Shelby, Woodbury, and Plymouth Counties, IA (Storm Lake, Cherokee, Holstein, Ida Grove, Mapleton, Denison, Audubon, Harlan, Danbury, Remsen, Marcus, and Le Mars, IA); between Chicago, IL, Fulton, Whiteside, and Rock Island Counties, IL (Canton, East Moline, Rock Island and Rock Falls, IL) and points in eight counties in IA; between La Crosse County, WI, La Crosse, WI) and Kossuth County, IA (Algona, IA); between Whiteside County, IL (Sterling, IL) and Calhoun County, IA (Rockwell City, IA); between Humboldt County, IA (Humboldt, IA) and points in a described portion of MN; between

Freeborn, Mower, and Dakota Counties, MN (Albert Lea, Austin, and South St. Paul, MN), points in three counties in IA, and points within 35 miles of Lake City, IA; in the regular route portion of Sub-8, Rock Rapids, IA and Sioux Falls, SD, serving all intermediate points, and off-route in IA within 20 miles of Rock Rapids; in the irregular route portion of Sub-8, between Rock County, (Hills, MN), points in MN and IA within 15 miles of Hills, and Minnehaha County, SD (Sioux Falls, SD); in Sub-14, between Putnam County, IL (plantsite in Putnam County, IL) and points in IA; in Sub-17, between Rockwell City, IA and Chicago, IL, serving all intermediate points; in Sub-18F, between Calhoun County, IA (Rockwell City, IA) and points in 12 States; in Sub-20; between Sac County, IA (Sac City, IA) and points in seven States; in Sub-21, between Pocahontas County, IA (Pocahontas, IA), and points in seven states.

MC 59014 (Sub-41)X, filed February 27, 1981. Applicant: TALLANT TRANSFER, INC., 1341 Second Avenue, S.W., Hickory, NC 28601. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in the portion of its lead certificate which authorizes general commodities to (1) delete all exceptions except class A & B explosives and (2) broaden territorial description from one-way authority to radial authority between points in SC, GA, FL, AL, TN, and VA, and, points within 25 miles of Hickory, NC.

MC 106920 (Sub-126)X, filed February 19, 1981. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Applicant seeks to (1) remove the restriction against the transportation of commodities in bulk, in tank vehicles; in its Sub-91F certificate, and (2) substitute county-wide authority for the named facility near Des Plaines, IL, and remove the restriction against service to AK and HI, to authorize service between Cook County, IL, and points in the U.S.

MC 110659 (Sub-34)X, filed February 18, 1981. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia St., W., Charleston, WV 25302. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in Sub-2, 12, 13, 15, 16, 18, 26F, 28F, 31F, 32F, and 33F certificates in order to (1) broaden the commodity descriptions contained in

Sub-2, 12, 13, 15, 16, 26F, 28F and 31F (a) from beer, malt beverages and grain and grain products to "farm products, and food and related products", (b) in Sub-2, 18 and 33F from crockery window glass, glass containers and accessories, to "clay, concrete, glass or stone products" and, (c) in Sub-32F from automobile bumpers to "transportation equipment". (2) Broaden the territorial descriptions from one-way authority to radial authority between points in KY, IL, MO, MD, PA, OH, MI, NC, VA, WI, and WV in all referenced authority. (3) Authorize service to all intermediate points along a described regular route in Sub-2. (4) Replace city-wide with county-wide irregular route authority: Greenbrier County for Rainelle, WV; Mingo County for Williamson, WV, Mercer County for Bluefield, WV in Sub-12; Summers County for Hinton, WV in Sub-13; Forsyth County for Winston-Salem, NC, in Sub-15; Westmoreland County for Latrobe, PA, in Sub-28; Rockingham County for Eden, NC, Hawston County for Perry, GA in Sub-31; Saint Clair County for Marysville, MI in Sub-32. (5) Eliminate the restriction limiting transportation to traffic in containers in Sub-12, 13, 15, 16, 26, 28, 31.

MC 118838 (Sub-76)X, filed February 20, 1981. Applicant: GABOR TRUCKING, INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Applicant seeks removal of restrictions from its Sub-43F certificate to (1) broaden the commodity description to "metal products, and iron and steel articles" from grain storage bins, knocked down, and wrought steel pipe, and (2) broaden the territorial description by removing the facilities restrictions at Mansfield, OH and Minneapolis, MN, substituting county-wide authority, and changing from one-way to radial service between (a) Richland County, OH, and points in IA, MN, MT, ND, SD and WI, and (b) between Minneapolis, MN, and points in MT, ND, SD, and WI.

MC 121107 (Sub-25)X, filed February 19, 1981. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., Post Office Box 207, Farmville, NC 27828. Representative: Harry J. Jordan, Esquire, Suite 502, Solar Building, 1000 16th Street, NW., Washington, DC 20036. Applicant seeks to remove restrictions in numerous certificates to broaden the commodity descriptions to (a) "chemicals and related products" from fertilizer and fertilizer materials, in Sub-2 and fertilizer, in bags, in Sub-8; (b) "lumber and wood products, and pulp, paper and related products" from flakeboard, in Sub-3 and 6, compressed

wood logs, in Sub-9, paper, paper products, and composition board, in Sub-10, woodpulp in Sub-13, and lumber, fiberboard, and particleboard, and, materials, equipment, and supplies used in the manufacture or distribution of these commodities, in Sub-21F; (c) "lumber and wood products" from laminated modular panels, in Sub-12; (d) "pulp, paper and related products" from waste paper, in Sub-15; paper and paper products, in Sub-22, and newsprint, and materials, equipment, and supplies used in the manufacture and distribution of newsprint in Sub-23F; (e) "lumber and wood products, and forest products" from lumber, and forest products in Sub-16; (f) "clay, concrete, glass or stone products" from drain tile pipe and fittings, in Sub-5; (g) "petroleum, natural gas and their products" from petroleum products, in Sub-7; (h) "tobacco and tobacco products" from such commodities as are used in the manufacture, distribution, sale, and storage of tobacco, and, unmanufactured tobacco, in Sub-19; and (i) "ores and minerals, and roofing and building materials" from gypsum and roofing and building materials, and, equipment and supplies used in the manufacture, installation and distribution of these commodities, in Sub-20F. Applicant also seeks to (1) replace cities or plantsites with county-wide authority: Farmville, NC with Pitt County, NC in Sub-3 and 6; Millodenville, GA with Baldwin County, GA in Sub-5; Bradford, PA with McKean County, PA, and Goldsboro, NC with Wayne County, NC in Sub-7; Plymouth, NC with Washington County, NC in Sub-9, 10, 15, and 22; Frankfort, IN with Clinton County, IN and Tarboro, NC with Edgecomb County, NC in Sub-12; Askin and Morehead, NC with Craven and Carteret Counties, NC in Sub-13; Kellum, Weyco, Plymouth, and Lewiston, NC with Onslow, Craven, Washington, and Bertie Counties, NC in Sub-16; Buchanan, NY with Westchester County, NY, Milford, VA with Caroline County, VA, Quakertown, PA with Bucks County, PA, and Wilmington, DE with New Castle County, DE in Sub-20F; and Waverly and Stuart, VA with Sussex and Patrick County, VA, and Oxford, NC with Granville County, NC in Sub-21F; (2) change one-way authorities to radial authorities between specified counties and cities and points throughout the U.S. in Sub-2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, and 22; (3) eliminate the "except commodities in bulk" restriction in Sub-2, 7, 19, 20F, 21F and 23F, and the "in tank vehicles" restriction in Sub-19F and 20F; and (4) remove the restriction limiting service to

the transportation of traffic destined to Goldsboro, NC in Sub-7.

MC 136718 (Sub-2), filed February 19, 1981. Applicant: GLENN'S, INC., P.O. Box 51, Sheridan, IN 46069. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions from its lead and Sub-1 permits to (1) change the commodity description from new furniture, crated, and materials and supplies (except in bulk) to "furniture and fixtures" and (2) authorize service between points in the U.S. under contract(s) with a named shipper.

MC 138279 (Sub-22)X, filed February 19, 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 lead and Sub-2, 3, 4F, 7F, 8F, 9F, 10F, 12F, 13F, 14F, 15F, 17F, 18F, and 19F permits to (1) broaden the territorial description to between points in the United States under contract(s) with named shippers, (2) remove the in bulk restrictions and in tank vehicles (3) broaden the commodity descriptions in part (1) of the lead, and Sub-4, from tile, clay and earthenware, tile facing and flooring, china bathroom fixtures, adhesives and accessories used in the installation of all the above, and equipment, materials and supplies to "clay, concrete, glass or stone products" and in part (2) of the lead from aluminum and aluminum products, and materials, equipment, and supplies to "metal products"; in Sub-2 from aluminum and aluminum articles, products composed thereof and products manufactured and distributed by the named shipper, and materials, equipment and supplies (with exceptions) to "such commodities as are manufactured or distributed by manufacturers of aluminum products (except classes A and B explosives)"; in Sub-3 from aluminum and aluminum products, and ceramic foam filters, and equipment, materials and supplies to "metal products and clay, concrete, glass or stone products" (2); in Sub-7, 13 and 19 from corn products, and materials, equipment and supplies to "food and related products"; in Sub-8F from aluminum and materials, equipment and supplies to "metal products"; in Sub-9 from tile, clay, earthenware, and china fixtures, and commodities used in the manufacture and installation of above to "clay, concrete, glass or stone products"; in Sub-10 from pyrophyllite to "ores and minerals"; in Sub-12F from aluminum

articles, and ceramic foam filters, and materials, equipment and supplies to "metal products and clay, concrete, glass or stone products"; in Sub-14F and 18F from copper articles, copper sulfate, and chemicals, materials, equipment, and supplies and cable to "metal products and chemicals and related products"; in Sub-15F from pipe, and materials, equipment and supplies used in the distribution of pipe to "metal products"; and in Sub-17F from copper and copper products to metal products.

MC 139577 (Sub-47)X, filed February 19, 1981. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Applicant seeks to remove restrictions in its Sub-3, 8, 27, and 35F to (1) broaden the commodity descriptions to "food and related products" from canned goods in Sub-3 and 27; canned goods and prepared foodstuffs in Sub-8; foodstuffs (except meat, meat by-products, and articles distributed by meat packing houses, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766 in Sub-27; foodstuffs in Sub-35F, (2) remove the "except commodities in bulk" restriction in Sub-3, and 27, (3) eliminate the restriction limiting service to the transportation of traffic originating at the named origins and destined to the named destinations in each sub-number, (4) remove the restrictions against the transportation of citrus products from points in FL; cheese from Green Bay, WI; dairy products from points in WI to Carthage and Springfield, MO; canned goods from points in WI to points in IA; and canned goods and confectionary products from points in PA to points in WI, in Sub-27, and (5) allow radial service between points in Wisconsin and points in the U.S. (except AZ, CA, ID, MT, NV, NM, OR, UT, WA, and WY), eliminating the exception of AK and HI.

MC 142508 (Sub-166)X, filed February 13, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-3, 12, 15, 19F, 25F, 26F, 30F, 32F, 34F, 53F, 54F, 59F, 69F, 72F, 109F, 120F, 121F, 125F, 127F, 132F, 152F, 158F, and 162F certificates to (1) broaden the commodity descriptions from (a) meats, meat products, and meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier*

Certificates, 61 M.C.C. 209 and 766, (b) malt beverages, in containers, (c) confectionery, (d) frozen foods, (e) foodstuffs and materials, equipment and supplies, and (f) frozen bakery products to "food and related products" in all certificates; (2) remove the "except commodities in bulk and hides" restrictions in Sub-3, 12, 15, 32F, 34F, 72F, 125F, 132F, and 162F; (3) remove the "except commodities in bulk" restrictions in Sub-30F, 53F, 54F, 59F, 120F, and 121F; (4) broaden the territorial descriptions from existing one-way authority to radial authority between numerous combinations of specified origins and US points throughout the US for example (a) Madison County, NE, and points in the US (except Florida), Dawson County, NE and points in the US (except Alabama, Florida, Georgia, and South Carolina), and Cook County, IL and points in Oklahoma and Texas and Joplin and Springfield, MO in Sub-2; (b) White County, AR and points in the United States in Sub-12; Crawford and Webster Counties, IA Rock County, MN, Dakota and Cuming Counties, NE and points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC in Sub-15; Milwaukee, WI and Omaha, NE and Pottawattamie County, IA in Sub-19F; Boston, MA, Windham County, CT and points in the US in and west of MN, IA, MO, AR, and LA in Sub-25F; Philadelphia, PA and points in CO, IL, KS, MN, MO, NE, ND, and SD in Sub-26F; and various other combinations in Sub-30F, 32F, 34F, 53F, 54F, 59F, 69F, 72F, 120F, 121F, 125F, 127F, 132F, 152F, 158F, and 162F; (5) change city-wide to county-wide authority from: Norfolk to Madison County, NE and Darr to Dawson County, NE in Sub-3; Lansing to Cook County, IL in Sub-3 and 32F; Searcy to White County, AR in Sub-12; Denison to Crawford County, IA, Dodge to Webster County, IA, Laverne to Rock County, MN, and West Point to Cuming County, NE in Sub-15; Dakota City to Dakota County, NE in Sub-15 and 72F; Council Bluffs to Pottawattamie County, IA in Sub-19F; Grosvenordale to Windham County, CT in Sub-25F; Hammond to Lake County, IN in Sub-32F; Dodge City to Ford County, KS in Sub-34F; Linden to Union County, NJ in Sub-54F; Montgomery to Montgomery County, AL, Yuba City to Sutter County, CA, Stockton to San Joaquin County, CA, Bordentown and Burlington to Burlington County, NJ, Morristown to Morris County, NJ, Middleboro to Plymouth County, MA, Northeast to Erie County, PA, Sulphur Springs to Hopkins County, TX, Markham to Grays Harbor County, WA, Kenosha to Kenosha

County, WI, Eau Claire to Berrien County, MI and Clackamas to Clackamas County, OR in Sub-59F; Reno to Washoe County, NV in Sub-69F and 121F; Holland to Ottawa County, MI and Saugatuck to Allegan County, MI in Sub-109F; Albany to Dougherty County, GA, Albert Lea to Freeborn County, MN, Navasota to Grimes County, TX and Waukesha to Waukesha County, WI in Sub-120F; West Chester to Chester County, PA in Sub-121F; Wichita to Sedgwick County, KS in Sub-121F and 125F; Emporia to Lyon County, KS in Sub-125F; St. Joseph to Buchanan County, MO, Madison to Madison County, NE in Sub-132F; West Seneca to Erie County, NJ, and New Haven to New Haven County, CT in Sub-152F; Madison to Dane County, WI in Sub-158F; and Holcomb to Finney County, KS in Sub-162F; and (6) eliminate the restrictions (a) limiting services to that from or to a named facility in Sub-3, 12, 15, 19F, 25F, 30F, 32F, 34F, 53F, 54F, 59F, 69F, 72F, 109F, 120F, 121F, 125F, 132F, 152F, 158F, and 162F; (b) "originating at and destined to" Sub-12, 15, 19F, 25F, 30F, 32F, 34F, 53F, 54F, 59F, 69F, 72F, 109F, 120F, 121F, 152F, and 158F; (c) requiring use of equipment with mechanical refrigeration in Sub-25F, 30F, 53F, and 54F and (d) excepting AK, HI, and in some instances the origin State from Nationwide Authority in Sub-3, 12, 34F, 53F, 59F, 109F, 120F, 127F, 152F, and 158F.

MC 143570 (Sub-22)X, filed February 20, 1981. Applicant: D & G TRUCKING, INC., 4420 E. Overland Rd., Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Applicant seeks to remove restrictions from its lead and Sub-3F, 7F, 12F, 13F, and 16F certificates to (1) change the commodity descriptions (a) from paper and aluminum, and paper and aluminum products, for recycling and reuse, to "waste or scrap materials not identified by industry producing" in the lead; (b) from feed, feed ingredients and feed supplements (except liquid commodities in bulk, in tank vehicles), to "food and related products" in Sub-3F and 13F; (c) from moulding to "building materials" in Sub-7F; (d) chemicals (except liquid commodities in bulk, in tank vehicles) to "chemicals and related products" in Sub-12F; and (e) from meats, meat products, etc., to "food and related products" in Sub-16F; (2) replace authority to serve specified facilities at named points and authority to serve specified points with county-wide authority: in the lead, Boise and Burley, ID, with Ada and Cassia Counties, ID; in Sub-12F, parts (1) and (2), Billings, MT, with Yellowstone County, MT; in Sub-

13F, remove the exception prohibiting service from the named facilities at San Gabriel, CA; and in Sub-16F, replace named facilities at Wallula, WA with Walla Walla County, WA; and (3) expand its one-way authorities to authorize radial service between various combinations of specified points in 10 western States.

MC 143708 (Sub-6)X, filed February 26, 1981. Applicant: DUNES TRANSPORT, INC., 3965 N. Meridian St., Indianapolis, IN 46208. Representative: Warren C. Moberly, 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its lead and Sub-2F, 4F, certificates to (1) broaden the commodity description from corn products, and cornstarch to "food and related products" in all of the above authority, (2) delete the commodity restrictions of "in bulk, in tank vehicles" in the lead and Sub-2, (3) replace city-wide service with county-wide authority: Linn County for Cedar Rapids, IA, in Sub-2; Gary County for Lake Station, IN, in Sub-4; (4) authorize radial service in lieu of existing one-way authority between the above counties, Indianapolis, IN, and points in IL, IA, KY, MI, OH, PA, TN, WI, WV, and the Lower Peninsula of MI.

MC 145454 (Sub-14)X, filed February 26, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Avenue, Gary, IN 46406. Representative: Anthony E. Young, 29-South LaSalle Street, Suite 350, Chicago, IL 60603. Applicant seeks to remove restriction in a portion of the lead certificate in MC 119792 acquired in MC-F 13676 to (1) broaden its commodity description from agricultural commodities to "food and related products", and (2) expand its one-way authority to radial authority between points in IL (except Elgin, East St. Louis, and National City,) on the one hand, and on the other, points in AL, AK, FL, GA, LA, MS, NC and SC.

MC 146553 (Sub-19)X, filed February 19, 1981. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions from its Sub-Nos. 3F, 4F, 5F, 8F, 14F, and 15F certificates to (1) broaden the commodity descriptions of (a) wine and canned tuna and pet food to "food and related products" in Sub-Nos. 4F and 14F; and (b) castings and internal combustion engine parts to "metal products" in Sub-Nos. 5F, 8F, and 15F; (2) change city-wide to county-wide authority from: Davenport to Scott County, IA in Sub-Nos. 3F and 5F;

Marion to Perry County, AL; Muskegon, South Haven, and Holland, MI to Muskegon, Van Buren, and Ottawa Counties, MI, respectively, in Sub-No. 8F; and Perham to Otter Tail County, MN, El Paso to El Paso County, TX, Muscatine to Muscatine County, IA and Terminal Island to Los Angeles County, CA in Sub-No. 14F; (3) expand one-way authorities to radial authority between CA, IL, MI, MY, OH and PA and Scott County, IA in Sub-No. 3F; Sonoma, Santa Clara, Alameda, Napa, San Mateo, and Madera Counties, CA and Rock Island, Peoria and Galesburg, IL in Sub-No. 4F; Scott County, IA and Mobile, IL and points in CA in Sub-No. 5F; (a) Perry County, AL and Ottawa County, MI; (b) Muskegon, Van Buren and Ottawa Counties, MI and Los Angeles, CA, (c) Los Angeles, CA and points in IA, IL, IN, MI, OH, and TX in Sub-No. 8F; Otter Tail County, MN, El Paso County, TX, Los Angeles County, CA, Muscatine County, IA and points in the U.S. in Sub-No. 14F; and points in IL and MI and Los Angeles, CA in Sub-No. 15F; and points in IL and MI and Los Angeles, CA in Sub-No. 15F; (4) remove facilities limitations at Los Angeles, CA in Sub-No. 8F; and Perham, MN, El Paso, TX, Terminal Island, CA, and Muscatine, IA in Sub-No. 14F; (5) eliminate the restrictions "except tank or hopper containers" in Sub-No. 3F; and "except in bulk" in Sub-No. 14F; and (6) remove the exceptions "AK and HI" in Sub-No. 14F.

MC 148050 (Sub-3)X, filed February 19, 1981. Applicant: L & J MOTOR LINES, INC., P.O. Box 7267, High Point, NC 27264. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions from its lead certificate and its authority in a portion of MC 111936 (Sub-No. 15), acquired through No. MC-FC-78260 in which issuance of a certificate is pending, to (1) broaden the commodity from insulating materials to "building materials", broaden Port Allegany, PA to McKean County, PA; and expand its one-way authority to radial authority between McKean County, PA, and points in GA, NC, SC, and VA, in its lead; and (2) broaden the commodity description from new furniture to "furniture and fixtures"; and expand its one-way authority to radial authority between GA, NC, SC, and VA, and, points in NJ, NY, and PA in a portion of MC-111936 (Sub-No. 15).

MC 148375 (Sub-3)X, filed February 18, 1981. Applicant: LOWER COLUMBIA TRUCKING, INC., Rt. 1, B 217, Cathlamet, WA 98612. Representative: Lawrence V. Smart, Jr.,

419 N.W. 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions from its Sub-No. 2F regular route certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) authorize service at all intermediate points and (3) remove the restriction against the transportation of traffic between Longview, WA and Kelso, WA, on the one hand, and, on the other, Portland, OR, and Vancouver, WA.

MC 148655 (Sub-11)X, filed February 19, 1981. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Applicant seeks to remove restrictions from its Sub-No. 2F certificate by (1) removing the restriction "except in bulk, in tank vehicles" from the commodity description "materials equipment and supplies used in the manufacture and distribution" of named commodities such as glass products, metal products, and plastic products, and (2) broadening the territorial description by (a) eliminating "except AK and HI" from radial territorial authority of points in the U.S., (b) deleting the facilities limitation at Des Plaines, IL, and (c) substituting Cook County for Des Plaines, IL as the base territory.

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BILLING CODE 7035-01-M

Transportation of Government Traffic; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of general commodities, (except classes A and B explosives, radioactive materials, etiologic agents, shipments of secret materials, and weapons and ammunition which are designated sensitive by the United States Government), between points in the United States (including Alaska and Hawaii), restricted to the transportation of traffic handled for the United States Government or on behalf of the United States Government where the government contractor (consignee or consignor), is directly reimbursed by the government for the transportation costs, under the Commission's regulations (49 CFR 1062.4), pursuant to a general finding made in Ex Parte No. MC-107, *Government Traffic*, 131 M.C.C. 845 (1979).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission within 20 days from the date of this publication. A copy must also be served upon applicant or its representative.

If applicant is not otherwise informed by the Commission within 30 days of the date of its notice in the *Federal Register*, operations may commence subject to its tariff publication's effective date, of the filing of an effective tender pursuant to 49 U.S.C. 10721.

Note.—By an unprinted decision entered in the Ex Parte No. MC-107 on October 27, 1980, and served on November 10, 1980, the Commission voted to accept for filing the applications for transportation of Government Traffic which were tendered for filing prior to the effective date of the *Motor Carrier Act of 1980*, but were summarily rejected because they had not yet been submitted to the *Federal Register* for notice publication.

GT-1031-80 (Special Certificate—Government Traffic), filed June 25, 1980. Applicant: FIDELITY STORAGE CORPORATION, P.O. Box 10257, Alexandria, VA 22310. Representative: Howard Grad, President, Fidelity Storage Corporation, P.O. Box 10257, Alexandria, VA 22310. Government Agency involved: Agencies listed in U.S. Government Manual. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-7122 Filed 3-5-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-23-C]

Greasy Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Greasy Coal Company, P.O. Box 114, Rockhouse, Kentucky 41561 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. One Mine located in Pike 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 and canopies be installed on the mine's scoops, roof bolting machines and cutting machine.
2. The coal seam ranges in height from 43 to 50 inches; half headers are used in conjunction with roof bolts and plates for roof support.

3. Installation of cabs or canopies on the mine's equipment would result in a diminution of safety for the miners affected because the canopies may come in contact with the roof supports, destroying roof control.

4. Petitioner further states that cabs or canopies hamper the equipment operator's visibility which increases the chances of an accident.

5. 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 6, 1981. Copies of the petition are available for inspection at that address.

Dated: February 25, 1981.

Frank A. White,
Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-7042 Filed 3-5-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-22-C]

Jones and Laughlin Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Jones and Laughlin Steel Corporation, 3 Gateway Center, Pittsburgh, Pennsylvania 15263, has filed a petition to modify the application of 30 CFR 75.329-2 (construction of seals or bulkheads) to its Vesta No. 4 Mine located in Washington 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 seals or bulkheads be constructed of solid, substantial, and incombustible materials, such as concrete, brick, cinder block or tile, or the equivalent.

2. Petitioner seeks a modification for the breaches of the solid barrier which separate the abandoned Vesta #4 mine and the active Vesta #5 mine. Petitioner further states that seals or bulkheads cannot be constructed as required by the standard in three of the four places where said barrier is breached.

3. Three of the four breaches of the barrier are in areas of the gob which have long been mined out; it is impossible to gain access to these areas of the barrier breached in order to

construct the seals or bulkheads required by the standard.

4. As an alternate method, petitioner proposes to set up a test procedure to insure that three of the four breaches of the barrier between Vesta #4 and Vesta #5 mines have been naturally sealed by water and/or gob compaction, thus providing a seal which will prevent an explosion which may occur in the atmosphere on one side of the seal or bulkhead from propagating to the other side.

5. Petitioner believes that the natural seals in the three breaches of the barrier combined with one artificial seal will guarantee no less than the same measure of protection as that afforded by 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 6, 1981. Copies of the petition are available for inspection at that address.

Dated: February 25, 1981.

Frank A. White,
Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-7043 Filed 3-5-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-161-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, P.O. Box 3367, 919 Bond Street, Evansville, Indiana 47708 has filed a petition to modify the application of 30 CFR 77.213 (draw-off tunnel escapeways) to its Gibraltar Surface Mine located in Muhlenberg 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 escapeways be thirty inches in diameter.

2. As an alternate method, petitioner proposes to utilize 24 inch escapeways, which are already constructed and ready for use.

3. Petitioner states that enlarging the existing 24 inch escapeways to 30 inches would expose workers to hazardous conditions (movement of thousands of

tons of sandy fill material) and not result in any increase of safety for the miners affected.

4. Petitioner further states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by 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 6, 1981. Copies of the petition are available for inspection at that address.

Dated: February 25, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-7044 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Application No. D-649]

Evergreen Industries, Inc., Profit Sharing Trust; Proposed Exemption for Certain Transactions

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt a certain lease of equipment by the Evergreen Industries, Inc. Profit Sharing Trust (the Plan) to Evergreen Industries, Inc. (the Employer), and the subsequent sale of the equipment by the Plan to the Employer. The lease was entered into before the effective date of the Act, but after July 1, 1974, the date specified in the transition rules contained in sections 414 and 2003 of the Act. The proposed exemption, if granted, would affect the Employer and participants and beneficiaries of the Plan.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 20, 1981.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective January 1, 1975.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D-649. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan was established in 1964 for the benefit of the non-union employees of the Employer. There are presently approximately 25 participants in the Plan. The trustees of the Plan are Roy Berger and John C.F. Parker, who are corporate officers of the Employer.

2. On August 15, 1974, an equipment lease was entered into between the Plan

as lessor and the Employer as lessee. The equipment covered by the lease was a Hitachi Seiki Numerical Control Machining Center, Model No. BD-H, Serial No. N-14634 (the Machine). The Plan had purchased the Machine on July 22, 1974, from Westcoast Machine & Tool Company, an unrelated party, for \$103,557.

The duration of the lease was from August 20, 1974 through August 19, 1979. The monthly rental payments under the lease were \$2,361.11 per month.

3. The terms of the equipment lease were at least as favorable to the Plan as the terms of a proposed equipment lease submitted to the Employer by I.D.S. Leasing Corporation of Minneapolis, Minnesota on June 7, 1974, and a proposed equipment lease submitted to the Employer by Firstbank Leasing Corporation of Seattle, Washington, on January 28, 1974.

4. During the course of the lease, the Employer assumed all responsibilities with respect to the maintenance and repair of the Machine, the risk of loss and damage, the payment of any and all taxes assessed, and the maintenance of adequate insurance.

5. The lease between the Plan and the Employer expired on August 19, 1979. The Plan continued to hold the Machine until October 28, 1979. During that period, the Employer continued to make the monthly rental payments called for in the original lease.

6. On September 11, 1979, Mr. Warren Barlow of the Hallidie Machinery Co., Inc. of Seattle, Washington, estimated the fair market value of the Machine to be \$80,000. On October 25, 1979, Mr. Clem Weber of West Coast Machine Tools, Inc., of Kent, Washington, estimated the fair market value of the Machine to be \$75,000.

7. On October 28, 1979, the Employer purchased the Machine from the Plan for \$80,000, the higher of the two values established by independent appraisals. The sale was for cash, and no commissions were paid on the sale. The applicant represents that the Machine was sold to the Employer because there is a limited market for the Machine, and the Employer has a specific use for the Machine.

8. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: 1) The terms of the lease were at least as favorable to the Plan as those that would have been required by independent third parties; 2) all lease payments were made in full and on schedule per the lease agreement; 3) the sale of the Machine to the Employer was

a one-time transaction for cash at a price determined by two independent appraisals, and no commission was paid on the sale, and 4) the trustees of the Plan determined that the transactions were appropriate for the Plan and were in the best interests of all Plan participants and beneficiaries.

Finally, the applicant represents that the lease was entered into prior to the effective date of the Act without knowledge that the transaction would become prohibited on January 1, 1975. As soon as the applicant realized that the lease had become a prohibited transaction, the applicant submitted a good faith request for an exemption instead of terminating the least transaction.

Notice to Interested Persons

The Employer will provide written notification of this proposed exemption to each Plan participant. The Employer will personally deliver to each Plan participant a copy of the Federal Register notice together with a notice which will inform each participant of his right to comment and request a hearing concerning the proposed exemption. The Plan participants shall be so notified within 10 days from the date of publication of this proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the

exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the leasing by the Plan to the Employer of the Machine, from January 1, 1975 until October 28, 1979, for the rental amount stated in the lease provided the rental payments were no less than the fair rental value of the Machine, and to the sale of the Machine by the Plan to the Employer on October 28, 1979, for \$80,000, provided such amount was not less than the fair market value of the Machine at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this proposed exemption.

Signed at Washington, D.C., this 2nd day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-7180 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-1938 and D-1942]

Filtrex, Inc., Employees' Money Purchase Pension Plan and Profit Sharing Plan; Proposed Exemption for Certain Transactions

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a certain parcel of real property by the Filtrex, Inc. Employees' Money Purchase Pension Plan and Profit Sharing Plan (the Plans) to Filtrex, Inc. (the Employer). The proposed exemption, if granted, would affect the Employer and the participants and beneficiaries of the Plans.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 20, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application Nos. D-1938 and D-1942. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Elliot Arditti of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of

the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees on behalf of the Plans, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. In 1973, the trustees of the Plans, Richard L. Burkhalter, President of the Employer, and Herbert P. Turck, Vice President of the Employer, purchased for \$46,840 a parcel of unimproved real property located at 1945 Alpine Way, Hayward, California. The property is located in an industrial subdivision. The parcel adjoins another parcel which is owned by the Employer and is used as its operating plant. The parcel represents 32 percent of the Plans' assets and is non-income producing.

2. The property was appraised in December, 1979, by John W. Fenstermacher SR/WA, at a value of \$84,300. Mr. Fenstermacher is an appraiser/referee for the State of California who does consultations on valuation questions. The appraiser states that the property has no special value to the Employer based on its location.

3. The Employer desires to purchase this property for a cash price of \$85,000. There would be no sales commission and as such, the net to the Plans would be the total sales price. The trustees wish to sell the property in order to convert a non-income producing property into liquid assets at a substantial profit to the Plans, without incurring a broker's commission.

4. There has been a third party offer to purchase the property which was rejected in May, 1979. The terms of that offer were a purchase price of \$75,000 with \$25,000 down and the balance payable with interest at 10 percent for 5 years.

5. Construction of a building on the property has been started by the Employer. It is represented that the

construction was undertaken prior to the sale of the property to the Employer to protect the Employer and participants of the Plans from the adverse effect of being forced to relocate production facilities. Realizing that use of the property in this manner is prohibited under the Act and the Code, the Employer represents it will pay any excise taxes which have arisen as a result of its use of the property within 60 days of the publication in the Federal Register of a final notice of the granting of the exemption proposed herein. The Employer further represents that it will pay the fair rental value to the Plans for the use of the property. This rent is to be charged for the period of time which commenced when construction of the building was begun up until the time that the property is sold to the Employer.

6. In summary, the applicants represent that the proposed sale will satisfy the criteria of section 408(a) of the Act because (a) it will be a one time transaction for cash; (b) no sales commission will be charged to the Plans; (c) the purchase price will be \$85,000, which is based upon an appraisal by an independent appraiser; and (d) the trustees have determined that the transaction is appropriate for the Plans and protective of the rights of the Plans' participants and beneficiaries.

Notice to Interested Persons

Within 10 days after its publication in the Federal Register, notice will be given to all employees of the Employer. Such notice will be given by personal delivery as well as by having the notice posted at the Employer's place of business. The notice will include a copy of the notice of pendency and will state that each person may submit comments on this proposal and that each person may request a hearing on this proposal.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of

the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record.

Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale for \$85,000 by the Plans to the Employer of real property located at 1945 Alpine Way, Hayward, California, provided the sales price is

not less than the fair market value as of the date of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 2d day of March 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-7181 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-21; Exemption Application No. D-2144]

Nalle Clinic Company Pension Plan and Trust; Exemption From the Prohibitions for Certain Transactions

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt a loan of \$325,000 by the Nalle Clinic Company Pension Plan and Trust (the Plan) to the Nalle Clinic Company (the Employer).

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the *Federal Register* (46 FR 2426) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed by legal counsel for the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at

the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer

maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to a loan of \$325,000 by the Plan to the Employer, provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of the transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 2d day of March 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-7182 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-20;
Exemption Application No. D-21051]

**San Marcos Development Company
Defined Benefit Pension Plan;
Exemption From the Prohibitions for
Certain Transactions**

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits (1) the contribution of three unencumbered single-family homes and the real property on which they are located (the Properties) by the San Marcos Development Company (the Employer) to the San Marcos Development Company Defined Benefit Pension Plan (the Plan); (2) the Employer's guarantee of the leases on the Properties; and (3) any repurchase of any of the Properties by the Employer pursuant to a "put" exercised by the Plan.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the Federal Register (46 FR 2412) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the applications for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was given to all interested persons on or before January 24, 1981, in compliance with the provisions to notify interested persons set forth in the notice of pendency of the proposed exemption.

No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 406(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the contribution of the Properties by the Employer to the Plan provided the contribution is valued at its fair market value; (2) the Employer's guarantee of the leases on the Properties; and (3) any repurchase of the Properties by the Employer pursuant to a put exercised by the Plan.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 2d day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-7183 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

**Determinations 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 summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period February 23-27, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(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.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA-W-8074; Standard Products Co., Gaylor, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8745; MacDonald Plastic, New Baltimore, MI and Anchorville, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8687; Uesely Company, Lapeer, MI

Investigation revealed that criterion (3) has not been met. With respect to plastic forms, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to campers and trailers, U.S. imports are negligible.

TA-W-278; Crescent Brick Co., Inc., Folls Creek, PA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of ladle brick are negligible.

TA-W-8689 & 8691; J. C. Coots, Inc., J. C. Leathers & Suedes, Inc., Jersey City, NJ

Investigation revealed that criterion (3) has not been met. Separations and declines in production at the subject firm were seasonal in nature.

TA-W-8884; American Rubber & Plastics Corp., Laporte, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,358; M. Frenville Co., Inc., Gloversville, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. In addition, U.S. imports of tanned cattlehides declined absolutely from 1978 to 1979 and declined absolutely and

relative to domestic production in the first half of 1980 compared with the first half of 1979.

TA-W-11,060 & 11,778; Roselon Industries, Inc., Danville, PA and Spencer, TN

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of all yarns are negligible.

TA-W-11,859; Van Ply, Inc., Vancouver, WA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of softwood plywood are negligible.

TA-W-8205; Braun Engineering Co., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,650; J&R Canstruction, Inc., Flint, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of sidewalks, curbs, gutters, fishing piers, tennis courts and commercial buildings are negligible.

TA-W-8771, 9298, 9494 & 9495; Howell Industries, Inc., Lapeer, MI, Marysville, MI, Southfield, MI, and Maury, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8277; Arran Metal Prod. Corp., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8872; Millicent Spatswear, Inc., New York, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8671; Keystane Carbon Co., St. Mary's, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9296; Cash Register Sales, Inc., Minneapolis, MN

Investigation revealed that criterion (3) has not been met. A survey of customers for Delta Systems indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to Cash Register Sales, Inc., the investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-9777 & 9959; Swank Refectories Ca., Irondale Mine, Irondole, OH and Wellsville Plant, Wellsville, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of day refractory products are negligible.

TA-W-10,314; Sea Ray Baats, Inc., Oxfard, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of inboard-outdrive pleasure boats are negligible.

TA-W-11,512; Liberty Taol and Die, Walled Lake, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tools and dies for automobiles are negligible.

TA-W-11,527; Frank Industries, Inc., Xplarer Matar Hame Div., Brown City, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of motor homes and parcel delivery vans are negligible.

TA-W-9053; New England Spatswear, Inc., Peobady, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of womens, girls, and infants leather coats and jackets did not increase as required for certification.

TA-W-9002; Kahler Machine and Manufacturing Corp., Lackport, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8702; Ex-cell-o Corp., McCord Winn Division, Cookeville, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8326 & 8401; Uniroyal, Inc., Plastic Product Div., Port Clinton, OH and Stoughton, WI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of vinyl coated fabrics are negligible.

TA-W-9121 & 9121A; U.S. Tool & Cutter Co., Franklin, MI and Walled Lake, MI

With respect to workers at the Franklin, Michigan plant, investigation revealed that criterion (1) has not been met.

With respect to workers of the Walled Lake, Michigan plant, investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9346; Primex, Incorporated, Cleveland, OH

With respect to workers producing industrial mold patterns, investigation revealed that criterion (3) has not been met.

With respect to workers producing machining on carrier castings, investigation revealed that workers do not produce an article as required for certification under Section 223 of the Trade Act of 1974.

TA-W-8718; Cooper Industrial Products, Auburn, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8322; Ideal Toy Corporation, Hollis, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,997 & 10,998; Waumbec Mills and Waumbec Die and Finishing, Manchester, NH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA-W-10,967; Sargent Sand Co., Ludington, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8833; Toledo Pressed Steel Co., Toledo, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8952; Hayes-Albion Corp., Kooima Mfg. Div., Rock Valley, IA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8741; Everlock Tennessee, Portland, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,244; Micanol Corporation, Livonia, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9064; McCreary Industrial Products Co., Indiana, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-7459; Roman Ceramics Corporation, Mayfield, KY

A certification was issued applicable to all workers at the subject firm separated on or after November 5, 1979.

TA-W-9245; Miss Erica, Inc., Hialeah, FL

A certification was issued applicable to all workers at the subject firm separated on or after March 24, 1979 and before September 30, 1979.

TA-W-9759; W.R. Weaver Co., El Paso, TX

A certification was issued applicable to all workers at the subject firm separated on or after April 1, 1980.

TA-W-8319, 8869, & 8864; Hoover Universal, Inc., Troy, MI, Greenfield, OH, and Whitmore Lake, MI

Certifications were issued covering all workers of the firm separated on or after October 1, 1979 for workers at the Troy, Michigan plant; on or after June 9, 1979 for workers at the Greenfield, Ohio plant, and on or after June 17, 1979 for

workers at the Whitmore Lake, Michigan plant.

TA-W-8750, 9455, 9987, 10,021 & 10,637; United Technologies Corp., Ruston, LA, Ellsworth, KS, Akron, IN, Wabash, IN, and Wauseon, OH

A certification was issued applicable to all workers at the subject firm separated on or after May 30, 1979 for workers at the Rushton, Louisiana plant; on or after July 7, 1979 for workers at the Ellsworth, Kansas plant; on or after November 1, 1979 for workers at the Akron, Indiana plant; on or after July 28, 1979 and before April 1, 1980 for workers at the Wabash, Indiana plant; and on or after August 22, 1979 for workers at the Wauseon, Ohio plant.

I hereby certify that the aforementioned determinations were issued during the period February 23-27, 1981. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: March 2, 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-7230 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9192]

Firestone Tire and Rubber Co., Akron I Plant; Negative Determination on Reconsideration

On December 15, 1980, the Department made an affirmative Determination Regarding Application for Reconsideration for workers and former workers producing aircraft, racing, off-the-road and truck tires at Firestone's Akron I plant in Akron, Ohio.

The union claims that aircraft, off-the-road and racing tires were produced at the Akron I plant in addition to the truck tires which the Department's denial notice specifically addressed. The union further claims that the truck tire production at Akron I will be transferred to Firestone's plant in Hamilton, Ontario for exportation back into the U.S. market.

The Department's review shows that the petition for workers at Firestone's Akron I plant did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey of Firestone's truck tire customers showed that most customers either did not import truck tires or

decreased their purchases of imported truck tires. Customers who increased their import purchases of truck tires while decreasing their purchases from Firestone represented an insignificant proportion of Firestone's truck tire sales in 1979 and 1980. Further, customers responding to the survey decreased their reliance on imported truck tires in the first six months of 1980 compared to the same period in 1979.

On reconsideration, the Department found that the production of racing tires, off-the-road and aircraft tires did not account for a substantial percent of the production of tires at the Akron I plant in 1979 and 1980. Further, the workers are generally not separately identifiable by product line. Imports of aircraft tires are negligible; racing tire imports, recorded in a basket category in U.S. import statistics, are small. The production of aircraft tires has not been transferred out of the country. The Akron I plant is primarily a truck tire plant. The Department's investigation revealed that the future closing is the result of Firestone's having too much truck tire capacity. The Department also found on reconsideration that the transfer of Akron's truck tire production to Canada is not scheduled to occur until May 1, 1981 or thereafter. Further, this transfer will not represent a substantial share of Akron I plant's 1980 production.

Conclusion

After reconsideration, I reaffirm the original Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance to workers and former workers of Firestone's Akron I plant in Akron, Ohio.

Signed at Washington, D.C., this 27th day of February 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-7047 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8770]

Florence Coat Co.; 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 is 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 June 16, 1980 in response to a petition which was filed by the International Ladies' Garment Workers Union on behalf of workers at Florence Coat Company, Incorporated, Hoboken, New Jersey. Workers at the firm produce women's fall and winter coats.

The investigation revealed that criterion (3) has not been met.

U.S. aggregate imports of women's misses', and children's coats and jackets decreased absolutely and relative to domestic production in 1979 compared with 1978.

The Department conducted a survey of the principal manufacturer with which Florence Coat Company, Incorporated contracted to produce women's fall and winter coats during the period 1978 through 1980. The manufacturer reported it had not relied on foreign contractors for the production of women's coats during 1979 and 1980. The manufacturer further reported it had not purchased imported finished women's coats in 1979. A Department survey of customers of the manufacturer revealed that most customers which reduced purchases from the manufacturer from 1978 to 1979 did not increase purchases of women's coats from foreign sources.

In 1980, the manufacturer purchased imported finished women's coat but also increased contract work with Florence Coat Company, Incorporated. Florence Coat Company, Incorporated produces polyester and wool blend coats though the manufacturer imported only down-filled coats.

Conclusion

After careful review, I determine that all workers of Florence Coat Company, Incorporated, Hoboken, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-7048 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8758]

General Tire Service; 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 June 16, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at General Tire Service, Detroit, Michigan. Workers at General Tire Service Center sell and service tires. General Tire Service is wholly owned by The General Tire and Rubber Company.

The investigation revealed that criterion (3) has not been met.

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.

In order to determine if increased imports contributed importantly to sales and employment declines at General Tire Service, the Department sought to determine the degree to which the facility was integrated into the production of tires at The General Tire and Rubber Company. Where substantial integration was established, the Department considered imports of "like or directly competitive" tires in determining import injury to workers at General Tire Service.

General Tire Service sells and services tires produced by The General Tire and Rubber Company. Therefore, General Tire Service is substantially integrated into the production of passenger car and truck tires.

The Department determined that workers at five of The General Tire and Rubber Company production plants (TA-W-7093, 7449, 7928, 8639, 8972) were denied eligibility to apply for adjustment assistance benefits. Production at these five plants accounts for virtually all of the tires produced by The General Tire and Rubber Company.

Petitioners allege that increased imports of tires have contributed importantly to the declines in sales and employment at the Detroit Service Center. Although increased imports of passenger and truck tires may have adversely affected specific U.S. markets and the marketing patterns of certain domestic tire producers, increased imports of passenger car and truck tires in general have accounted for relatively low percentages of the overall declines in domestic tire shipments.

Declines in U.S. shipments in 1979 compared to 1978 and in the first 9 months of 1980 compared to the same period of 1979 of both passenger car and truck tires resulted primarily from the contraction in tire demand during these periods. This contraction was brought about by several factors including the increased use and longer life of radial tires and reduced wear due to lower speed limits, scarce fuel supplies and higher fuel prices.

Conclusion

After careful review, I determine that all workers of General Tire Service,

Detroit, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-7049 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,001]

Muskin Corp.; 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 of 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 11, 1980 in response to a petition which was filed by the United Furniture Workers' Union on behalf of workers at Muskin Corporation, Wilkes Barre, Pennsylvania. The workers produce above ground swimming pools including pool filters, liners, covers and ladders.

The investigation revealed that criterion (3) has not been met.

Evidence developed during the course of the investigation indicated that declines in production and employment at Muskin Corporation in 1980 occurred as a result of the company's decision to reduce its level of inventory.

Total company sales by Muskin Corporation increased in 1979 compared to 1978 and increased in the January-August 1980 period compared to the same period of 1979.

Production at Muskin Corporation increased in each quarter of 1979 compared to the same quarter of the previous year. Production then declined

in the period from January through July 1980 compared to the same period of 1979.

Muskin Corporation's inventory of finished goods was at record high levels by January 1980. Inventory increased in each month during the period from January 1979 through February 1980 compared to the same period of the previous year. In an effort to reduce these high levels of inventory, Muskin decreased its 1980 production levels and utilized its inventory to fulfill customer orders. Inventory levels decreased in each month during the period from March through August 1980 compared to the same period of the previous year.

Muskin Corporation purchased imported pool walls and liners. Company imports of pool walls ceased in January 1979. Muskin Corporation's purchases of imported pool liners for sale during its 1980 selling season decreased compared to those imported for the 1979 season. The pool liners imported by Muskin accounted for a very small proportion of the company's total demand for pool liners, and it is anticipated that Muskin's imports of pool liners for the 1981 selling season will remain at the same level as 1980.

Conclusion

After careful review, I determine that all workers of Muskin Corporation, Wilkes Barre, Pennsylvania are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-7050 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8403]

Unroyal, Inc., Plastic Products Division; 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 June 2, 1980 in response to a petition which was filed May 19, 1980 by the United Rubber, Cork Linoleum and Plastic Workers of America on behalf of workers at the Mishawaka, Indiana plant of the Plastic Products Division, Uniroyal, Incorporated. The workers produce rubber and vinyl products, such as floor mats for automobiles and trucks, vinyl-rubber foams for seating and for padding in athletic equipment and automobile interiors, insulation and flotation devices, and various flexible storage containers.

The investigation revealed that criterion (3) has not been met.

Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at the Mishawaka, Indiana plant of the Plastic Products Division, Uniroyal, Incorporated. Although imported automobiles incorporate rubber and vinyl products, imports of the whole product are not like or directly competitive with their component parts. Imports of rubber and vinyl products must be considered in determining import injury to workers producing rubber and vinyl products at the Mishawaka, Indiana plant of the Plastic Products Division, Uniroyal, Incorporated.

Production of heavy extrusions, storage tanks, fuel cells, containers, tank linings and industrial adhesives increased in 1980 compared with 1979.

Production of air deflectors, inflatables, and the amount of custom mixed rubber for outside sales

accounted for a relatively small percentage of total production. Any import influence in these product lines could not have contributed importantly to overall employment declines at the Mishawaka plant.

U.S. imports of coated fabrics were not significant compared to domestic production in 1978 and 1979. Preliminary estimates indicate that the ratio of imports to domestic production of coated fabrics will remain below 2.0 percent in 1980.

U.S. imports of vinyl-rubber foams used in padding and seating were negligible in 1978, 1979 and 1980.

The Department surveyed major customers of Uniroyal, Incorporated. The survey revealed that none of the customers which did import floor mats reported decreasing their purchases from Uniroyal and other domestic sources while increasing their import purchases of floor mats in Model Year 1979 or Model Year 1980.

Conclusion

After careful review, I determine that all workers of the Mishawaka, Indiana plant of the Plastic Products Division, Uniroyal, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-7051 Filed 3-5-81; 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 increase 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 March 16, 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 March 16, 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 23rd day of February 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of Petition	Petition number	Articles produced
Con-Air Inc. (workers)	Eastlake, OH	2-13-81	1-28-81	TA-W-12,296	Aluminum mufflers used in air conditioners in cars.
Foxco Industries (Co.)	New York, NY	2-13-81	1-31-81	TA-W-12,297	Knit fabric converter.
General Broach & Engineering Co. (wkr's)	Detroit, MI	2-13-81	2-10-81	TA-W-12,298	Broaching machines, fixtures, tools, etc.
H. W. Carter & Sons (ACTWU)	Park Rapids, MN	2-12-81	1-23-81	TA-W-12,299	Men's and boy's outer garments.
H. W. Carter & Sons (ACTWU)	Staples, MN	2-12-81	1-23-81	TA-W-12,300	Men's and boy's outer garments.
H. W. Carter & Sons (ACTWU)	Lebanon, NH	2-12-81	1-23-81	TA-W-12,301	Mfg. Men's and boy's workwear.
International Harvester Co. Motor & Tractor Plant (UAW)	Melrose Park, IL	2-17-81	2-12-81	TA-W-12,302	Heavy crawler tractors and diesel engines.
Old Mr. Boston Distillery Corp. (wkr's)	Boston, Ma.	2-17-81	2-11-81	TA-W-12,303	Mfg. cocktalls.
Perry Plastics Co. (URCLPA)	Erie, PA	2-13-81	2-11-81	TA-W-12,304	Brushholders, auto and electrical components.

Appendix—Continued

Petitioner: union/workers or former workers of—	Location	Date received	Date of Petition	Petition number	Articles produced
Union Apparel, Inc. (ACTWU)	Norvelt, PA	2-13-81	2-10-81	TA-W-12,305	Ladies blazers.
Schreck Ind. Inc (workers)	Strongsville, OH	2-17-81	2-10-81	TA-W-12,306	Electric fork lift trucks.
Westport Casuals (workers)	Batesville, AR	2-9-81	2-6-81	TA-W-12,307	Ladies outerwear.
Brave-Moc, Inc. (workers)	Lynn, MA	2-13-81	2-2-81	TA-W-12,308	Wood bottom clogs, sandals.
Camden Castings Center (workers)	Camden, TN	2-17-81	2-5-81	TA-W-12,309	Sand mold castings.
Eiroe Press Metals, Div. of ABS Ind. Inc. (Eiroe Employee Assoc Union)	Buffalo, NY	2-17-81	2-10-81	TA-W-12,310	Schwinn bike parts, motor brackets for Ford and Gen. Motors.
Elyria Mfg. Co. (workers)	Elyria, OH	2-17-81	2-8-81	TA-W-12,311	Mfg. screw machine parts.
Eugene Rothmud, Inc. (UFCW)	Somerville, MA	2-17-81	2-11-81	TA-W-12,312	Sausage mfg.
General Machine Design (workers)	Warren, MI	2-17-81	2-12-81	TA-W-12,313	Design fixtures and machines for the auto industry.
Overture, Inc. (workers)	New York, NY	2-17-81	2-9-81	TA-W-12,314	Ladies sweaters.
Samsonite Corp. (URCLPWA)	Denver, CO	2-9-81	2-2-81	TA-W-12,315	Hardside luggage.
Talon Division of Texton (workers)	Meadville, PA	2-17-81	2-10-81	TA-W-12,316	Zippers and home sewing notions.
Tandra Dress Inc. (workers)	W. Islip, NY	2-12-81	2-29-80	TA-W-12,317	Children's clothing.
Fleetguard Div. of Cummins Engine (UAW)	Cookeville, TN	2-1-81	2-28-81	TA-W-12,318	Heavy duty air filters.
Woman's Haberdashers (workers)	Woodside, NY	2-9-81	2-14-81	TA-W-12,319	Women's coats, suits, dresses.
General Motors Corp., GM Assembly Div. (UAW)	Oklahoma City, OK	2-13-81	2-6-81	TA-W-12,320	Mid-size cars.
General Motors Corp., GM Assembly Div. (UAW)	Wilmington, DE	2-13-81	2-6-81	TA-W-12,321	Sub-compact cars.
Guida Wood Heel Co., Inc. (company)	Brooklyn, NY	2-18-81	2-13-81	TA-W-12,322	Ladies' heels (wood and plastic).
Hauser Engineering Corp. (workers)	Minneapolis, MN	2-18-81	2-2-81	TA-W-12,323	Headquarters and safes.
Jeri Morton, Inc. (ILGWU)	New York, NY	2-17-81	2-11-81	TA-W-12,324	Ladies' underwear.
Levi Strauss Co. (workers)	San Francisco, CA	2-9-81	2-3-81	TA-W-12,325	Jeans and jackets.
Michigan City Molded Products Div. of Chrysler Corp. (Company)	Michigan City, IN	2-18-81	2-9-81	TA-W-12,326	Blow and injection-molded plastic parts for cars and trucks.
Page Plastics, Inc. (workers)	Cincinnati, OH	2-18-81	2-2-81	TA-W-12,327	Fuel fillers, air ducts, spacers.
St. Thomas, Inc. (workers)	Gloversville, NY	2-18-81	2-26-81	TA-W-12,328	Leather wallets, coin purses, cosmetic bags etc.
Van De Mark Chemical Company, Inc (workers)	Lockport, NY	2-18-81	2-14-81	TA-W-12,329	Die ethyl diphenyl urea (rocket fuel stabilizer).
Alliance Machine Company (USWA)	Alliance, OH	2-20-81	2-16-81	TA-W-12,330	Cranes and coke oven equipment.
Basic Aluminum Castings Company (UAW)	Cleveland, OH	2-20-81	2-17-81	TA-W-12,331	Aluminum die castings.
Carpenter Technology Corporation (USW)	Union, NJ	2-20-81	2-17-81	TA-W-12,332	Stainless steel tubing and pipe.
Erin Industries (workers)	Erin, TN	2-20-81	2-15-81	TA-W-12,333	Men's shirts.
Gillette Industries, Inc.	LaCrosse, WI	2-20-81	2-16-81	TA-W-12,334	Jackets, vests and sleeping bags.
T.J. Corporation, DBA Halco, Inc. (Teamsters)	New Eagle, PA	2-20-81	2-17-81	TA-W-12,335	Santa bags, Christmas stockings, sun visor hats.

[FR Doc. 81-6965 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting at 8:30 a.m. on March 24, 1981 in Room 1046, 1717 H Street, NW., Washington, DC to discuss matters relating to hydrogen control in the McGuire Nuclear Station, the work of the Degraded Core Cooling Steering Group, and the status of the Zion and Indian Point degraded core mitigation features study.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, March 24, 1981

8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 3, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-7135 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Site Evaluation; Postponement of Meeting

The ACRS Subcommittee on Site Evaluation has been postponed indefinitely. Notice of this meeting was published on Wednesday, March 4, 1981.

Dated: March 3, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-7136 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Virgil C. Summer Nuclear Station; Meeting

The ACRS Subcommittee on Virgil C. Summer Nuclear Station will hold a meeting on March 11, 1981, Room 762 at 1717 H Street, NW., Washington, DC. The Subcommittee will continue to review the application of the South Carolina Electric and Gas Company for a license to operate the Virgil C. Summer Nuclear Station.

In accordance with the procedures outlined in the Federal Register on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its

consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4.) To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, March 11, 1981—3:00 p.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the South Carolina Electric and Gas Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehmert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 2, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-7137 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 50 and 32 to

Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas & Electric Company (the licensee), which revised the licenses for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 (the facility), located in Calvert County, Maryland. The amendments are effective as of the date of issuance and are to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Guard Training & Qualification Plan as part of the licenses.

The licensee's filing complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

The licensee's filing dated July 14, 1980 is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendments Nos. 50 and 32 to Licenses Nos. DPR-53 and DPR-69 and (2) the Commission's related letter to the licensee dated February 20, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of February, 1981.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-7131 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 45 and 39, which revised License Nos. DPR-42 and DPR-60 for Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2, located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance and are to be fully implemented in accordance with the provisions of 10 CFR 73.40(b) and 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Safeguards Contingency Plan and Guard Training and Qualification Plan as part of the licenses.

The licensee's filings, which have been handled by the Commission as applications, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendments.

The licensee's filings dated March 23, 1979, August 20, 1980, August 17, 1979 and May 16, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment Nos. 45 and 39 to Licenses Nos. DPR-42 and DPR-60 and (2) the Commission's related letter to the licensee dated February 25, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the

Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of the amendments and the Commission's related letter may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of February, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,
Chief, Operating Reactor Branch No. 3,
Division of Licensing.

[FR Doc. 81-7133 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-2623]

Duke Power Co. (Amendment to Materials License SNM-1773—Transportation of Spent Fuel from Oconee Nuclear Station for Storage at McGuire Nuclear Station); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of February 25, 1981, oral argument on the appeals of the Duke Power Company and the NRC staff from the October 31, 1980 initial decision of the Licensing Board will be heard at 9:30 a.m. on Wednesday, April 22, 1981 in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: March 2, 1981.

For the Appeal Board.

C. Jean Bishop,
Secretary to the Appeal Board.

[FR Doc. 81-7132 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21939 (70-6560)]

American Electric Power Co., Inc.; Proposed Issuance and Sale of Common Stock

February 27, 1981.

Notice is hereby given that American Electric Power Company, Inc. ("American"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a

complete statement of the proposed transaction.

American proposes to issue and sell up to 9,000,000 shares of its authorized but unissued common stock, par value \$6.50 per share, to underwriters at competitive bidding to be carried out in accordance with the requirements of Rule 50 under the Act. The purchasers of the common stock at such competitive bidding will agree promptly to make a public offering of the stock.

It is stated that if market conditions should not be propitious for the sale of the common stock on a competitive bidding basis, American proposes, subject to further authorization by the Commission, to negotiate with underwriters for the sale of the stock, in which case the proposed public offering terms and proceeds to American would be determined by such negotiation and submitted to the Commission for its approval.

American intends to use the net proceeds of the sale of common stock (estimated at approximately \$150,000,000), from time to time after such sale, to pay off at or before maturity, and to retire, an equivalent amount of short-term debt of American (represented by commercial paper or notes payable to banks, or both) outstanding as of the date of the sale of the stock. As of February 5, 1981, American had short-term debt of \$112,075,000 outstanding, and it estimates that not more than \$165,000,000 of short-term debt will be outstanding as of the date of the sale of the common stock.

The fees and expenses to be incurred in connection with the proposed transaction are to be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 26, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to

become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division, of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7078 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17590 (SR-CBOE-80-27)]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

February 27, 1981.

On December 22, 1980, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which revises certain of the procedures utilized by the CBOE to discipline its members and their associated persons. Among other things the proposed rule change will (1) permit a member, prior to a Business Conduct Committee ("BCC") meeting to determine whether to issue a statement of charges, to submit a written statement to the BCC concerning why no disciplinary action should be taken; (2) permit a respondent to submit a written statement in support of an offer of settlement and in certain instances to appear before the BCC to make an oral statement in support of such offer; (3) provide in certain instances for an expedited proceeding which would enable a disciplinary matter to be disposed of without the formality of the issuance of a statement of charges; and (4) authorize members of the Board of Directors to be appointed to the BCC.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17478, January 21, 1981) and by publication in the *Federal Register* (45 FR 9329, January 28, 1981). No written

statements with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7079 Filed 3-5-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 17592 (SR-CBOE-80-29)]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

February 27, 1981.

On December 22, 1980, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which clarifies that any type of arrangement for market maker financing must be disclosed to the CBOE.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 34-17472, January 19, 1981) and by publication in the Federal Register (45 FR 9329, January 28, 1981). No written statements with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7080 Filed 3-5-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 21943 (70-6556)]

Consolidated Natural Gas Co., et al.; Proposed Voluntary Divestment of Certain Assets by Nonutility Subsidiaries

March 2, 1981.

In the matter of Consolidated Natural Gas Company, Four Gateway Center, Pittsburgh, Pennsylvania 15222, CNG Producing Company, One Canal Place, New Orleans, Louisiana, and CNG Development Company Ltd., 445 West Main Street, Clarksburg, West Virginia 26301.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, CNG Producing Company ("Producing"), a Delaware Corporation, and CNG Development Company Ltd. ("CNG Ltd"), an Alberta corporation, nonutility subsidiaries of Consolidated have filed a voluntary plan pursuant to Section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"). The application-declaration as amended which was filed proposes certain transactions to effect that plan and designates Sections 6(a), 7, 9(a), 10, 11(b)(1), 12(c), 12(f), and 12(g) and Rules 42, 43, 50(a)(3) and 50(a)(5) promulgated thereunder as applicable to the related transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated May 1, 1972 (HCAR No. 17559), the Commission authorized Consolidated to create the two subsidiaries to develop gas supplies in Canada for the Consolidated system. Producing is engaged in exploration and development operations in the United States and on non-federal lands in the Province of Alberta, Canada. CNG Ltd. participates in gas exploratory ventures with other companies on Canadian Federal lands. Substantial reserves have been developed, from which about 10.2 million mcf of gas have been sold in Canada. Applicants, state, however, that they are unable to use the properties as a source of supply for the Consolidated system.

Consolidated, Producing and CNG Ltd. have filed a voluntary plan pursuant to Section 11(e) of the Act to simplify the system and divest most of the Canadian

properties. The 11(e) plan provides for a series of intercompany transfers, including creation and liquidation of a new subsidiary, the effect of which is to make CNG Ltd, a subsidiary of Producing and to realign the Canadian properties. These transactions are in the process of being consummated, pursuant to Rule 44(c).

The next step in the plan for divestiture will be a sale, by Producing and CNG Ltd. to Merland Exploration Limited, ("Merland") a Canadian federal corporation, of varying interests ranging up to 50% of approximately 803,459 gross undeveloped acres and approximately 141,787 gross developed acres or approximately 216,429 net undeveloped acres and approximately 38,193 net developed acres and related equipment. At December 31, 1980, there were estimated reserves of 68.4 BCF of gas and 70,000 Bbl. of oil. The aggregate purchase price would be \$62.8 million (Canadian), subject to possible adjustments. These properties represent approximately \$31.5 million (U.S.) of acquisition, exploratory and development costs. CNG Ltd. will then liquidate and Producing as its sole stockholder will acquire its assets and assume its liabilities by such liquidation.

Upon consummation of the sale and liquidation, Producing will retain an overriding royalty on heavy oil rights in approximately 66,000 gross acres in the Irish section of eastern Alberta, Canada. When Dome Petroleum, Ltd. has completed a program for the exploration, development and construction of a thermal pilot plant for the enhanced recovery of the heavy oil on that acreage and has recovered its costs, Producing will have a right to convert its royalty rights to a minimum 21.25% working interest. Producing will also retain a working interest in a small amount of acreage. The precise interest and acreage are currently the subject of negotiation with Merland. Producing will also retain a one-third of 1% interest in a well drilled in the Arctic islands. Producing's aggregate remaining interests after the sale will represent an investment of approximately \$1 million (Canadian). The reserves remaining following the sale cannot be estimated but are expected to be relatively small.

The fees, commission and expenses to be incurred in connection with the proposed transactions are estimated at \$47,700, including legal fees of \$35,000 and charges, at cost, for services of Consolidated Natural Gas Service Company, Inc. It is stated that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 25, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7081 Filed 3-5-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 17591 (SR-NSCC-80-32)]

National Securities Clearing Corporation ("NSCC"); Order Approving Proposed Rule Change

February 27, 1981.

On October 31, 1980, NSCC filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), and Rule 19b-4 thereunder, a proposed rule change authorizing NSCC to maintain, or participate in, a signature card distribution service.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by publication of a Commission Release (Securities Exchange Act Release No. 17300, November 14, 1980) and by publication in the Federal Register (45 FR 78327, November 25, 1980). Only one

written comment, which urged the Commission's approval of the proposed rule change, was received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7082 Filed 3-5-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 17586; (SR-NYSE-81-2)]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 27, 1981.

On January 15, 1981, the New York Stock Exchange, Inc. ("NYSE"), 20 Broad Street, New York, New York 10005, filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would increase listing fees currently charged by the NYSE and impose a new listing fee for bonds.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17467, January 19, 1981) and by publication in the Federal Register (46 FR 8152, January 26, 1981). No comments have been received by the Commission with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchanges, and, in particular, the requirements of Section 6 and the rules and regulations thereunder, in particular, Section 6(b)(4), in that the proposed rule change provides for the equitable allocation of reasonable fees among the NYSE members and other persons using its facilities.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7083 Filed 3-5-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 17588 (SR-NYSE-81-7)]

New York Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

February 27, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act"), notice is hereby given that on February 17, 1981, the New York Stock Exchange, Inc. ("NYSE") 11 Wall Street, New York, New York 10005, filed with the Commission copies of a proposed rule change which would amend Exchange Rule 15 to change the waiting period before which a stock may be opened after a Pre-Opening notification is sent to other participating Intermarket Trading System ("ITS") market centers from a fixed five minutes to whatever other period may be specified in the ITS Plan, from time to time. The proposed rule change is necessary to implement NYSE participation in a previously approved pilot program with respect to the ITS Pre-Opening Application.¹

Interested persons are invited to submit written data, views and arguments concerning the submission on or before March 27, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-81-7.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed

¹In November 1980, the Commission approved an amendment to the ITS Plan to allow ITS participating market centers to implement a pre-opening pilot which involved changing the price criterion for a pre-opening notification from "more than 1/4 of a point" to "more than 1/8 of a point," and modifying the waiting period before opening a stock after such notification is sent from five minutes to such other period as may be specified in the Plan from time to time. See Securities Exchange Act Release No. 17346 (November 28, 1980).

rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Sections 6(b)(5) and 11A and the rules and regulations thereunder, in that the Pre-Opening pilot and the proposed rule change are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system for qualified securities, and, in general, to protect investors and the public interest.²

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the proposed rule change is designed solely to facilitate NYSE participation in an ITS Pre-Opening Application pilot, the operation of which has previously been approved by the Commission. The Commission also notes that notice of the ITS Plan Amendment providing for the pilot was given by issuance of a Commission release and by publication in the *Federal Register*,³ and that no public comments were received.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons
Secretary.

[FR Doc. 81-7084 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

² In addition, in the order approving the Plan Amendment that the instant proposed rule change is designed to implement, the Commission stated its belief that the reduced price parameters might provide a greater opportunity for participation in primary exchange opening transactions by regional exchange broker-dealers, and that the shortened time period after which an inquiring specialist may open a stock in his market might promote the efficiency of the Pre-Opening Application. Securities Exchange Act Release No. 17200 (October 7, 1980), 45 FR 68818 (October 10, 1980).

³ *Id.*

[Release No. 11653 (812-4768)]

North Star Regional Fund, Inc. and Investment Advisers, Inc; Filing of an Application Exempting a Proposed Transfer of Assets

February 27, 1981.

Notice is hereby given that North Star Regional Fund, Inc. ("North Star"), an open-end, diversified management investment company, and Investment Adviser, Inc. ("IAI") (collectively, "Applicants"), 600 Dain Tower, Minneapolis, MN 55402, filed an application on November 17, 1980, and an amendment thereto on February 4, 1981, requesting an order of the Commission, pursuant to Section 17(b) of the Investment Company Act of 1940 ("Act"), exempting from the provisions of Section 17(a) of the Act the proposed transfer from IAI to North Star of an interest and commitment in Pathfinder Venture Capital Fund, A Limited Partnership ("Pathfinder"). 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.

Applicants state that North Star was incorporated in Minnesota on February 1, 1980, and on January 26, 1981, had an authorized capital of 10,000,000 shares of common stock, par value of \$.01 per share, of which 787,600 shares were outstanding, and net assets of approximately \$10,179,994. IAI has been the investment adviser and manager of North Star since North Star was organized.

Applicants further state that Pathfinder was organized on October 6, 1980, after it had received commitments from ten institutional investors, including IAI, and one individual to invest a total of \$15,500,000 as limited partners. The general partner of Pathfinder also committed to an investment of \$200,000.

According to the application, thirty-five percent of the aggregate commitments, or \$5,495,000, was paid to Pathfinder on or shortly after September 24, 1980, including \$175,000 paid by IAI. Subsequently, Pathfinder received commitments from two additional investors aggregating \$3,300,000. The balance of the commitments is payable in successive installments of 25 percent, 20 percent and 20 percent upon at least 30 days prior written notice from the general partner of Pathfinder, provided that the last two installments shall not be payable prior to September 23, 1981.

According to the application, Pathfinder intends to invest in new and early stage businesses, especially those

engaged in the medical devices/instruments and computer/data communications industries. It is estimated that investments will be made in 20 to 30 companies, about half of which will be located in Minnesota. Applicants state that Pathfinder intends to use approximately 25 percent to 35 percent of its capital investment to organize and own a small business investment company which will borrow, as needed, up to an estimated \$15,000,000 with the support of the Small Business Administration for venture capital investments.

Applicants represent that all partners of Pathfinder will share in 80 percent of the net profits or gains of Pathfinder proportionately on the basis of their capital accounts and the general partner will be allocated the remaining 20 percent. However, not more than 35 percent of the 20 percent allocated to the general partner may be paid to the general partner until after the limited partners have been distributed an amount equal to 100 percent of their capital contributions. Net losses of Pathfinder will be shared proportionately by all partners on the basis of their capital accounts except that losses in excess of the capital contributions will be allocated to the general partner. The application states that all realized net profits and gains of Pathfinder allocated to the limited partners will be distributed at least annually. According to the application, the general partner in Pathfinder is a general partnership, the principals of which are three individuals with substantial experience in venture capital financing and in the medical and computer industries.

Applicants state that North Star management had considered making an investment in Pathfinder for several months prior to September 23, 1980. On that date, North Star's board of directors met and authorized a \$500,000 investment by North Star in Pathfinder, subject to certain conditions. To facilitate the eventual acquisition of the \$500,000 interest by North Star in Pathfinder, IAI made a formal commitment, and paid the first installment of \$175,000, on September 24, 1980. Applicants represent that North Star's directors have approved, subject to the approval of North Star's shareholders, proposed revisions in North Star's investment restrictions to permit it to invest up to 5 percent of the value of its total assets in venture capital funds. Applicants further state that if North Star's shareholders approve the proposed changes in investment restrictions, it is expected

that North Star will make a commitment to invest (and pay the installment(s) previously paid by IAI thereunder) \$500,000 in Pathfinder at such time as the following three conditions are satisfied: (1) North Star has total assets of \$10,000,000; (2) Applicants have received an order from the Commission allowing the acquisition; and (3) North Star has received assurances that the acquisition will not jeopardize the registration of its shares in the various states in which its shares are offered. In addition to those conditions, North Star will not make such commitment and investment unless its board of directors ratifies its earlier action permitting such commitment and investment and determines that there have been no material adverse developments affecting the proposed investment in Pathfinder, that determination to take place shortly before the commitment and investment are made. Applicants agree that if North Star does not make a commitment to invest in Pathfinder (and pay the installment(s) previously paid by IAI thereunder) within 90 days of the granting of a Commission order allowing the acquisition, the commitment and investment will not be made without a further order of the Commission. When and if the conditions set forth above are met, and the board of directors of North Star takes the actions referred to above, IAI will transfer its \$500,000 commitment to North Star, and will be reimbursed, without interest, for the installment(s) paid under that commitment.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company acting as principal knowingly to sell any security or other property to such registered investment company. Section 2(a)(3)(E) defines an affiliated person of an investment company to include its investments adviser. Section 17(b) of the act provides, in part, that the Commission, upon application, shall exempt a transaction prohibited by Section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicants state that a number of other sophisticated investors have already invested in Pathfinder upon exactly the same terms as it is

anticipated that North Star will invest. IAI will transfer its entire interest and commitment in Pathfinder to North Star, and will be reimbursed, without interest, for the installment(s) paid under that commitment. IAI will receive no compensation or profit upon the transfer of its interest and commitment. A condition to the transfer of the \$500,000 interest and commitment to invest in Pathfinder is the approval by North Star shareholders of the revisions of North Star's investment restrictions to permit such an investment. Applicants believe that the terms of the proposed transfer are fair and reasonable and do not involve overreaching on the part of any person concerned, and that at the time the proposed transfer occurs it will be consistent with the policies of North Star and with the general purposes of the Act.

Notice is further given that any interested person may, not later than March 23, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20459. 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 said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7085 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21941 (70-6309)]

Northeast Utilities; Proposed Issuance and Sale Common Stock Pursuant to a Dividend Reinvestment and Common Share Purchase Plan

February 27, 1981.

Notice is hereby given that Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Massachusetts #01089, registered holding company, has filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

Pursuant to prior orders of the Commission, Northeast has been authorized to issue and sell up to 7,000,000 of its authorized but unissued common shares, \$5 par value, pursuant to its Dividend Reinvestment and Common Share Purchase Plan adopted in 1974, as amended ("Plan"). As of January 15, 1981, Northeast had issued and sold 6,706,372 of its authorized common shares pursuant to the Plan. About 51,000 shareholders were members of the Plan on January 15, 1981.

Northeast now proposes to issue and sell, from time to time up to February 1, 1982, the 293,628 shares remaining from the 7,000,000 shares previously authorized, plus a maximum of 1,200,000 additional authorized but unissued shares ("Additional Common Shares"). Issuance of some of the Additional Common Shares will be required in order for Northeast to meet its obligations under the Plan with respect to dividends which would be declared for the quarter ending March 31, 1981. The purchase price for each of the shares as of an Investment Date will be the average of the closing sales prices for common shares as reported by the Wall Street Journal as Composite Transactions during the five trading days immediately preceding the Investment Date.

As of January 15, 1981, the proceeds from the sale of the 6,706,372 shares sold pursuant to the Plan (approximately \$61,000,000) have been applied to the repayment of short-term borrowings incurred for capital contributions or advances to Northeast's subsidiaries for working capital and to finance the cost of the continuing construction program of the Northeast Utilities system. The proceeds from the sale of the balance of

the shares previously authorized and the Additional Common Shares will be added to the general funds of the company and will be used for any or all of the following purposes: (i) loans or capital contributions to the company's subsidiaries, (ii) payment of short-term indebtedness of the company, or (iii) general purposes of the company.

A statement of the fees, commissions, and expenses to be incurred in connection with the proposed transaction will be filed by amendment. No state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 26, 1981, request in writing that 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 post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices 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 Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7086 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17587; (SR-PSE-80-26)]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 27, 1981.

On December 9, 1980, the Pacific Stock Exchange, Inc. ("PSE"), 301 Pine

Street, San Francisco, CA. 94104, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change to amend Articles XI and XIV of the PSE Constitution to prohibit violations of Board policies that are required to be filed with the Commission, and to assure adequate notice before summary of suspension or expulsion of members or member organizations.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17439, January 12, 1981) and by publication in the Federal Register (46 FR 4015, January 16, 1981). No written comments were received with respect to the proposed rule change. All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and the requirements of Section 6(b) of the Act in general, and Sections 6(b)(5), 6(b)(6) and 6(b)(7), in particular, and the rules and regulations thereunder, in that it is designed to promote just and equitable principles of trade to protect investors and the public interest and to provide for members and member organizations to be appropriately disciplined for violations of the Securities Exchange Act of 1934 and the rules, policies and procedures of the PSE.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7087 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11657; (612-4754)]

Technology Fund, Inc., et al.; Filing of Application for Exemption

February 27, 1981.

In the matter of Technology Fund, Inc., Kemper Total Return Fund, Inc., Kemper Growth Fund, Inc., Kemper Summit Fund, Inc., Kemper Income and Capital Preservation Fund, Inc., Kemper Municipal Bond Fund, Inc., Kemper Option Income Fund, Inc., Kemper High Yield Fund, Inc., Kemper Fund for Government Guaranteed Securities, Inc., Kemper Financial Services, Inc., 120 South LaSalle Street, Chicago, Illinois 60603.

Notice is hereby given that Technology Fund, Inc. ("Technology Fund"), Kemper Total Return Fund, Inc. ("Total Return Fund"), Kemper Growth Fund, Inc. ("Growth Fund"), Kemper Summit Fund, Inc. ("Summit Fund"), Kemper Income and Capital Preservation Fund, Inc. ("Income Fund"), Kemper Municipal Bond Fund, Inc. ("Municipal Fund"), Kemper Option Income Fund, Inc. ("Option Fund"), Kemper High Yield Fund, Inc. ("High Yield Fund"), and Kemper Fund For Government Guaranteed Securities, Inc. ("Government Fund"), each registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company (collectively, "Funds"), and Kemper Financial Services, Inc. ("Kemper Financial"), principal underwriter and investment manager for such investment companies (hereinafter, Funds and Kemper Financial are referred to as "Applicants"), filed an application on October 24, 1980, and an amendment thereto on December 8, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder, to the extent necessary to permit the sale of shares of the Funds (and shares of such other registered open-end, management investment companies for which Kemper Financial may serve as principal underwriter in the future) at net asset value, without imposition of normal sales charges and without regard to minimum initial investment requirements, to employees of certain companies which are affiliates of Kemper Financial who are participants in a non-tax qualified employee benefit plan. 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.

According to the application, each of the Funds is organized as a corporation under Maryland law and is currently engaged in a continuous public offering of its shares through Kemper as principal underwriter at public offering prices equal to net asset value plus a sales charge. Applicants state that sales charges on the Funds vary with the size of the purchase and, as set forth in the Funds' prospectuses, range from .40% to 8.50% on Option Fund, Total Return Fund, Growth Fund, Summit Fund and Technology Fund and from .40% to 4.00% on Government Fund.

As stated in the application, Kemper Financial, a Delaware corporation which serves as principal underwriter for each of the Funds, is the parent and sole stockholder of Kemper Investors Life Insurance Company ("Kemper Life") which underwrites and distributes, through life insurance agents, broker/dealers and others, a line of products including life insurance, individual deferred annuities and tax-sheltered and group annuities. Annuity products frequently are offered, directly or indirectly, as complements to other investment products or services of Kemper Financial. Kemper Financial in turn is a wholly-owned subsidiary of Kemper Corporation, a diversified, insurance and financial services holding company. (Kemper Corporation, Kemper Life and Kemper Financial, including any present subsidiaries of Kemper Corporation, and any Kemper Corporation or Kemper Financial subsidiaries acquired or formed subsequent to the date of this application, hereinafter are referred to as the "Kemper Companies.") Applicants state that as of July 1, 1980, the full time employees of the Kemper Companies ("Kemper Affiliated Employees") totaled approximately 12,655 including 221 at Kemper Financial, 46 at Kemper Life and 12,388 at Kemper Corporation and its other subsidiaries.

Applicants propose to permit Kemper Affiliated Employees participating in an employee benefit plan ("Plan") sponsored by the Kemper Companies to purchase shares of the Funds at net asset value. Applicants state that participating Kemper Affiliated Employees will be able to invest without paying a sales charge, in any of the Funds through the Plan (i) by direct purchases, (ii) through payroll deduction, which will be made available to employees by certain Kemper Companies in the amount of \$25.00 or more for each investment, or (iii) through automatic periodic bank

checking account plans in the amount of \$25.00 or more for each investment; provided that those Kemper Affiliated Employees who do not participate in the Plan either through payroll deduction or automatic periodic bank checking account plans would have to meet the appropriate Fund's initial, and subsequent, minimum investment requirements. Under the Plan, shares of more than one Fund may be purchased simultaneously, and distributions on shares of the Funds acquired under the Plan may be reinvested at net asset value.

Applicants state that the Funds and DST, Inc., transfer agent for the Funds, have agreed that the transfer agency fees attributable to any account established by virtue of participation in the Plan will not exceed, as a percentage of assets, the fees paid by the Funds on their other shareholder accounts. Applicants also state that participants will agree not to resell Fund shares acquired through their participation in the Plan except by repurchase or redemption by or for the account of the Fund issuing such shares.

Applicants assert that few, if any, individual or in-person group sales solicitations or presentations concerning the Plan will be made. According to the application, all Kemper Affiliated Employees will periodically receive a notice concerning the Plan, furnished at the expense of the Kemper Companies. That notice will describe the Funds and their investment objectives, indicate that investments in the Plan would be at net asset value and detail the methods by which investments could be made. That notice would also indicate where additional information concerning the Plan and the Funds, including prospectuses of the Funds, could be obtained. Applicants submit that in all cases a copy of the appropriate prospectus(es) would be furnished prior to the time any employee is permitted to enroll in the Plan.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall all any redeemable security issued by it to any person except at a current public offering price described in the prospectus, and if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except at a current public offering price described in the prospectus. Rule 22d-1 permits reductions in, or elimination of, the sales load charged upon the sales of shares

under certain circumstances. Applicants submit that the sale of shares of the Funds to Kemper Affiliated Employees at net asset value under the Plan may conflict with the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder.

Applicants submit that while Rule 22d-1(i) permits sales without sales charge to certain employees of affiliated persons of the Funds, this would not be available to employees of the Kemper Companies who are employed in positions that do not directly provide investment advice to, or distribute shares of, the Funds. Applicants claim that an argument may be made that purchases of shares of the Funds at net asset value by Kemper Affiliated Employees under the Plan are permitted by Rule 22d-1(f), which permits the elimination of sales charges upon the sale pursuant to a uniform offer described in a prospectus and made to, *inter alia*, employee benefit plans not qualified under Section 401 of the Internal Revenue Code, provided such non-qualified plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales-related expense. Applicants submit that it is not clear, however, that net asset value sales to the Kemper Affiliated Employees covered by the Plan would meet the "uniform offer" requirement of Rule 22d-1(f).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provisions of the Act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Applicants submit that investment by Kemper Affiliated Employees pursuant to the Plan in shares of the Funds at net asset value is supported by policy considerations, that such sales should result in demonstrable economies in sales effort and sales related expense as compared with other sales and would not be unjustly discriminatory, and that the grant of the exemption requested by the application is appropriate in the public interest and consistent with the protection of investors and the purposes of Section 22(d) of the Act. Applicants further submit that the affiliation of the Funds with the Kemper Companies is

the basis for a unique relationship, which can be expected to result in economies of sales effort and sales related expenses that justify elimination of all sales charges on the Funds' shares purchased by participants in the Plan without discrimination against other employee benefit plans or other purchasers of the Funds' shares.

According to the application, features of the Plan which are expected to give rise to economies of scale in sales effort and sales related expense are: (i) there will be little, if any, personal solicitation of participants by Kemper Financial, its representatives or by any other broker/dealers; (ii) employees purchasing shares of any Fund through payroll deduction will have shares purchased for their accounts at each payroll date with payment for such shares being funnelled through Kemper Financial thus relieving the Funds from concerns about check clearance and delays in processing; and (iii) all eligible employees will receive periodic notice of the availability of the Plan, at the expense of their employers. In addition, Applicants state that they believe that the proposed investments in the Funds' shares would promote employee incentive, goodwill and loyalty and that because of the limitations on transfer agency fees attributable to any account established by virtue of participation in the Plan, shareholders not participating in the Plan will not be disadvantaged by establishment of Plan accounts nor will Plan accounts be subsidized by other shareholders' accounts.

Notice is further given that any interested person, may, not later than March 23, 1981 at 5:30 P.M., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request and the issue, if any, or fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's

own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notice and orders issued in this matter, including notice of the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7088 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region VII Advisory Council; Cancellation of Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of Kansas City, Missouri, public meeting scheduled for 9:30 a.m., on Thursday, March 26, 1981, in the Decision Center, Chamber of Commerce Building, 320 North Jefferson, Springfield, Missouri, has been cancelled.

For further information, write or call Patrick E. Smythe, Acting District Director, U.S. Small Business Administration, 1150 Grand Avenue, 5th Floor, Kansas City, Missouri (816) 374-5557.

* Dated: March 2, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7247 Filed 3-5-81; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Cancellation of Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of St. Louis, Missouri, public meeting scheduled for 9:30 a.m., on Thursday, March 19, 1981, at the Cheshire Inn, Windsor Room, 6306 Clayton Road, St. Louis, Missouri, has been cancelled.

For further information, write or call John L. Carey, District Director, U.S. Small Business Administration, One Mercantile Center, Suite 2500, St. Louis, Missouri 63101 (314) 425-4191.

Dated: March 2, 1981.

Robert P. O'Malley,

Director, Office of Advisory Council.

[FR Doc. 81-7248 Filed 3-5-81; 8:45 am]

BILLING CODE 8025-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Letter to the Commissioner of Customs Adjusting Restraint Levels on Nonrubber Footwear From Republic of Korea

Pursuant to the authority delegated to the United States Trade Representative under Presidential Proclamation 4510 of June 22, 1977, the following letter was sent to the Commissioner of Customs adjusting the third and fourth year restraint levels for nonrubber footwear from the Republic of Korea.

William E. Brock,

United States Trade Representative.

The United States Trade Representative,
Washington 20506

February 26, 1981.

Honorable Robert Chasen,
Commissioner, U.S. Customs Service,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: The Government of the Republic of Korea has requested that the restraint level for TSUS item 923.93 in the fourth restraint period be adjusted under the carryover provision in paragraph 4(a) of the Orderly Marketing Agreement on nonrubber footwear dated June 21, 1977. This would increase the restraint level for that category by 1,439,900 pairs, reflecting maximum permissible carryover of the shortfall in the third restraint period.

The Government of the Republic of Korea also has requested that, under the shift provision of paragraph 5(a) of the agreement, the third year restraint level for TSUS item 923.94 be increased by 15 percent and that the same absolute amount be subtracted from the third year restraint level for TSUS 923.93. The original third year level for TSUS 923.94 was filled on July 30, 1980, before there was an opportunity to make this adjustment to which Korea is entitled under terms of the agreement. Had the adjustment been made in time, the restraint level would have remained open through September 28, 1980, allowing 824,520 pairs now charged against the fourth year to be charged against the third. Therefore, it is requested that the adjustment be made retroactively by deducting that amount from the Customs count for TSUS 923.94 in the fourth year and considering that the amount was charged against the adjusted third year level for TSUS 923.94.

Similarly, the Government of the Republic of Korea has requested that the fourth year restraint level for TSUS 923.94 be increased by 15 percent (3,711,000 pairs). The quantity by which the TSUS 923.94 level is increased is to be subtracted from the TSUS 923.93 level. Such a request, and U.S. compliance with it, is in accordance with the terms of the Orderly Marketing Agreement, specifically paragraph 5(a).

Accordingly, pursuant to operative paragraph (6) of Proclamation 4510 of June 22, 1977, you are hereby requested, for the current restraint year to make the appropriate

adjustments in TSUS item numbers 923.93 and 923.94.

The revised restraint levels for the current restraint year will be:

Category	Revised levels (pairs)
TSUS 923.93	10,986,900
TSUS 923.94	28,451,000

This letter will be published in the **Federal Register** and the action will become effective on the first working day after publication.

Very truly yours,

William E. Brock.

[FR Doc. 81-7113 Filed 3-5-81; 8:45 am]

BILLING CODE 3190-01-M

Advisory Committee for Trade Negotiations; Determination of Closing of Meeting

The meeting of the Advisory Committee for Trade Negotiations (the Advisory Committee) to be held Monday, March 16, 1981, from 1:30 p.m. to 5:00 p.m. at the Office of the United States Trade Representative, 1800 G Street, NW., Washington, D.C., will involve a review and discussion of the current issues involving the trade policy of the United States, including the status of the implementation of the Multilateral Trade Agreements. Such review and discussion will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act), information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives, information the disclosure of which would be likely to significantly frustrate implementation of proposed government action, and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees

established under Section 135(c) of the Act, I hereby determine that meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, the meeting of the Advisory Committee for Trade Negotiations will be closed to the public.

William E. Brock,

United States Trade Representative.

[FR Doc. 81-7105 Filed 3-5-81; 8:45 am]

BILLING CODE 3190-01-M

Advisory Committee for Trade Negotiations; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that a meeting of the Advisory Committee for Trade Negotiations will be held Monday, March 16, 1981 from 1:30 p.m. to 5:00 p.m. at the Office of the United States Trade Representative, 1800 G Street, NW., Washington, D.C. The meeting of the Advisory Committee will be closed to the public, because it will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions and with matters listed in Section 552b(c) of Title 5 of the United States Code.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

Phyllis O. Bonanno,

Director, Office of Private Sector Liaison.

[FR Doc. 81-7106 Filed 3-5-81; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[Notice No. 81-1; REF: ATF O 1100.]

Authority To Establish Certain Viticultural Areas; Delegation Order

1. *Purpose.* This order delegates certain authorities now vested in the

Director by regulations in 27 CFR Part 9, American Viticultural Areas, to the Deputy Director.

2. *Background.* Under current regulations, the Director has the authority to receive petitions to establish American viticultural areas. It has been decided that in the case of the petition from the Amador County Wine Grape Growers Association to establish a viticultural area in Amador County, California named "Shenandoah Valley" and in the case of any future petition to establish a viticultural area in the Shenandoah Valley of Virginia, the authority now vested in the Director by regulations in 27 CFR Part 9, American Viticultural Areas, should be delegated to a lower level.

3. *Delegations.* Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms by Treasury Department Order No. 221 dated June 6, 1972, and by 26 CFR 301.7701-9, there is hereby delegated to the Deputy Director the authority under 27 CFR Part 9:

a. To take all necessary action, on the petition to establish a viticultural area in Amador County, California, named "Shenandoah Valley," including the issuance of regulations with the approval of the Secretary or his delegate.

b. To receive petitions to establish a viticultural area in the Shenandoah Valley of Virginia and to take all necessary action to establish a viticultural area in the Shenandoah Valley of Virginia including the issuance of regulations with the approval of the Secretary or his delegate.

4. *Redelegation.* The authorities delegated herein may not be redelegated.

5. *For Information Contact.* Procedures Branch, 1200 Pennsylvania Avenue, NW, Washington, DC, 20226, (202) 566-7602.

6. *Effective Date.* This order becomes effective on March 6, 1981.

7. *Approval.* March 2, 1981.

G. R. Dickerson,
Director.

[FR Doc. 81-7100 Filed 3-5-81; 8:45 am]

BILLING CODE 4810-31-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 44

Friday, March 6, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Monday, March 9, 1981: 9 a.m.-12 noon, 1:30 p.m.-5 p.m.

PLACE: Room 512, 1121 Vermont Avenue, N.W., Washington, D.C.

STATUS: Open to public.

MATTERS TO BE CONSIDERED:

- I. Approval of Agenda.
- II. Approval of Minutes of Last Meeting.
- III. Review of National Police Practices Project.
- IV. Review of Equal Opportunity in the Foreign Service.
- V. State Advisory Committee Re-Chararters:
 - A. Georgia
 - B. Missouri
 - C. Oklahoma
 - D. Tennessee
 - E. West Virginia

VI. Transmittal of Maryland Advisory Committee Statement re: *The Baltimore Police Complaint Evaluation Procedure*.

VII. Transmittal of West Virginia Advisory Committee Report entitled *Achieving Change: A Report of the 1978 West Virginia Statewide Leadership Conference on Civil Rights*.

VIII. Transmittal of Montana Advisory Committee Report entitled *Access to the Legal Profession in Montana for Women and Minorities*.

IX. Action re: Ohio Advisory Committee Report entitled *Policing in Cincinnati, Ohio: Official Policy vs. Civilian Reality*.

X. Civil Rights Developments in the Southwestern Region

XI. Staff Director's Report:

A. Status of Funds

B. Personnel Report

C. Office Directors' Reports

XII. Viewing of film entitled "Laurel and Laurel: A City Divided."

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division, (202) 254-6697.

[S-360-81 Filed 3-4-81; 12:32 pm]

BILLING CODE 6335-01-M

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46, Issue No. 40, Page No. 14882, Date Published, Monday March 2, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 A.M., Friday, March 5, 1981.

PLACE: 1700 G St. N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The Bank Board meeting scheduled for Friday, March 5, 1981, has been cancelled.

[S-364-81 Filed 3-4-81; 10:28 am]

BILLING CODE 6720-01-M

3

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Wednesday, March 11, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 3, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-385-81 Filed 3-4-81; 11:15 am]

BILLING CODE 6210-01-M