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Wednesday
April 15, 1981

Highlights

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

21983 **Mother's Day, 1981** Presidential proclamation

22112-22141 **Regulatory Agenda** Treasury (7 documents) (Part II of this issue)

22039 **Elections** FEC announces filing dates for special and special runoff elections in 4th Congressional District of Mississippi.

22158 **Budget** OMB reports status as of April 1, 1981, of 155 rescissions and 104 deferrals contained in first eight special messages to Congress for fiscal year 1981. (Part IV of this issue)

22017 **Census Data** Commerce/Census revises criteria for releasing public-use microdata. There are no plans to recreate previously issued files.

22005 **Air Pollution Control** EPA proposes to rescind NO_x emission limit for large gas turbines used in industrial service.

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Highlights

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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.

21999–22144 **Hazardous Waste** EPA identifies facilities that do not have interim status or permits under the Resource and Recovery Act for which notification is required. (Part III of this issue). Comments are requested on two studies which examine Extraction (standardized leaching) Procedure reproducibility. (2 documents)

22013 **VISTA** ACTION revises Guidance Papers.

21992 **Military Personnel** Defense/Sec'y provides guidelines for payment of claims for collateral visits and conjoint therapy in accordance with prescribed psychotherapy limitations under the Civilian Health and Medical Program of the Uniformed Services.

21999 **Health Maintenance Organizations (HMO)** HHS/PHS issues status report on OMB review of requirements relating to operation of Federally qualified HMOs with respect to disclosure of information to members, potential members, and employers.

22017–22019 **Grant Programs—Minority Business** Commerce/MBDA solicits applications under its Specialized Consultant Services Program to operate three projects in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and Washington, D.C. (3 documents)

21987, 22003 **Federal Credit Unions** NCUA requires semi-annual filing of financial and statistical reports and proposes to revise regulation governing insurance and group purchasing activities. (2 documents)

22015 **Discount Airlines Coupons** CAB describes and requests comments on its proposed accounting policy for barter and discount coupon transactions.

21989 **Motor Carriers** Treasury/Customs requires truck drivers carrying merchandise between points in the U.S., via Canada, to present a manifest for validation at U.S. port of departure.

22047 **Art Exhibit** ICA adds National Museum of Natural History in Washington, D.C., to places of exhibit for "5,000 Years of Korean Art".

22091 **Privacy Act Document** SEC

22098 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Proclamation 4834 of April 13, 1981

Mother's Day, 1981

By the President of the United States of America

A Proclamation

Each year our Nation designates Mother's Day as a moment of special tribute and appreciation for the mothers of America.

Recent years have brought many changes to the lives of American mothers. Today they are increasingly involved in business, politics, education, arts, sciences, and government as well as the vital work of the home and family. Yet, whether they seek careers outside the home or work as homemakers, they remain the heart of the American family.

They shape the character of our people through the love and nurture of their children. It is the strength they give their families that keeps our Nation strong.

On this Mother's Day, we express our deep personal gratitude to our own mothers and thank all those women whose devotion to their families helps sustain a healthy and productive citizenry.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Sunday, May 10, 1981, as Mother's Day I direct Government officials to display the flag of the United States on all Federal Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

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

Ronald Reagan

[FR Doc. 81-11508
Filed 4-13-81; 4:44 pm]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and General Officers of the Department of Agriculture to reflect the establishment of the position of Assistant Secretary for Economics and the abolishment of the position of Director of Economics, Policy Analysis and Budget. In addition, the delegations of authority to the Assistant Secretary for Economics and the Administrator, Economics and Statistics Service are amended to delete the authority to make grants under the Acts of August 4, 1965 and September 6, 1958. It has been determined that these actions will enable the Department to better carry out its responsibilities.

EFFECTIVE DATE: April 15, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, Office of the General Counsel, United States Department of Agriculture, Washington, D.C., 202-447-6035.

SUPPLEMENTARY INFORMATION: In order to give added emphasis to the economic concerns facing farmers, the position of Assistant Secretary for Economics has been established in the Department of Agriculture. As a result of this action, the position of Director of Economics, Policy Analysis and Budget has been abolished. Reporting to the Assistant Secretary for Economics will be the Administrator of the Economics and Statistics Service and the Chairman of the World Food and Agricultural Outlook and Situation Board. The Director of the Office of Budget, Planning and Evaluation, will report to the Secretary. In addition, at present authority is provided to make grants pursuant to the Act of August 4, 1965, and the Act of September 6, 1958. This authority is being deleted from the delegations to the Assistant Secretary for Economics and the Administrator of the Economics and Statistics Service. The latter authority was repealed by the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95-224. The former authority was amended by the Food and Agriculture Act of 1977, Pub. L. 95-113, to provide competitive, special and facilities grants. That authority is administered by the Science and Education Administration. This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Lastly, since this rule relates to internal agency management, this action will not have a significant economic impact on a substantial number of small entities.

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

Subpart A—General

1. Section 2.4 is revised to read as follows:

§ 2.4 General officers.

The work of the Department is under the supervision and control of the Secretary who is assisted by the following general officers: The Deputy Secretary; the Under Secretary for International Affairs and Commodity Programs; the Under Secretary for Small Community and Rural Development; the Assistant Secretary for Natural Resources and Environment; the Assistant Secretary for Food and Consumer Services; the Assistant Secretary for Marketing and Transportation Services; the Assistant Secretary for Governmental and Public Affairs; the Assistant Secretary for Economics; the General Counsel; the Assistant Secretary for Administration; the Inspector General; the Judicial Officer; the Director of Science and Education; and the Director, Office of Budget, Planning and Evaluation.

2. Section 2.5 is revised to read as follows:

§ 2.5 Order in which Officers of the Department shall act as Secretary.

(a) Pursuant to Executive Order 11957, dated January 13, 1977 (42 FR 3295), in the case of the absence, sickness, resignation, or death of both the Secretary and the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs and the Under Secretary for Small Community and Rural Development shall act as Secretary in the order in which they have taken office as an Under Secretary. In the event that both Under Secretaries shall have taken office simultaneously, they shall act as Secretary in the order in which they are listed herein.

(b) In the case of the absence, sickness, resignation, or death of the Secretary, the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs and the Under Secretary for Small Community and Rural Development, the Assistant Secretary for Natural Resources and Environment, the Assistant Secretary for Food and Consumer Services, the Assistant Secretary for Marketing and Transportation Services, the Assistant Secretary for Governmental and Public Affairs, and the Assistant Secretary for Economics shall act as Secretary in the order in which they have taken office as an Assistant Secretary. In the event that any two or more Assistant Secretaries shall have taken office simultaneously, they shall act as Secretary in the order in which they are listed herein.

(c) In the case of the absence, sickness, resignation, or death of the Secretary, the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and the Assistant Secretaries referred to in paragraph (b) of this section, the General Counsel shall act as Secretary.

3. The heading of Subpart C is revised to read as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

§ 2.21 [Amended]

4. Section 2.21 is amended by removing the term "Director of Economics, Policy Analysis and Budget" in paragraph (d)(3) and adding in lieu thereof the term "Assistant Secretary for Economics", and by removing "Director of Economics, Policy Analysis and Budget in § 2.27(c)" in paragraph (d)(16) and adding in lieu thereof "Assistant Secretary for Economics in § 2.27(a)".

5. Section 2.27 is amended by removing paragraphs (a) and (h), by redesignating paragraphs (b) through (g) as (a) through (f) respectively, by removing paragraph (a)(4) as redesignated, and by revising the heading and introductory paragraph to read as follows:

§ 2.27 Delegations of authority to the Assistant Secretary for Economics.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Economics:

(a) *Related to economic research and statistical reporting.*

* * * * *

(4) [Reserved]

* * * * *

6. Section 2.28 is revised to read as follows:

§ 2.28 Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a) *Related to economic research and statistical reporting.*

(1) Final approval and issuance of the monthly crop report (7 U.S.C. 411a).

(2) Final action on rules and regulations for the Crop Reporting Board.

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

7. A new § 2.36 is added to read as follows:

§ 2.36 Director, Office of Budget, Planning and Evaluation.

The following delegations of authority are made by the Secretary of Agriculture to the Director, Office of Budget, Planning and Evaluation:

(a) Exercise general responsibility and authority for all matters related to the Department's budgeting affairs including:

(1) Budgetary administration, including all phases of acquisition, distribution and control of funds.

(2) Budgetary reporting.

(3) Legislative reporting and related activities.

(b) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(c) Formulate and promulgate Departmental budgetary and legislative policies, procedures and regulations.

(d) Review budgetary and legislative aspects of agency operations and proposals.

(e) Represent the Department in contacts with the Office of Management and Budget, the General Accounting Office, the Treasury Department, Congressional Committees on Appropriations, and other organizations and agencies on matters related to his or her responsibility.

(f) Serve as the Department's Budget Officer.

(g) Administer the Department's operations review and analysis program. This includes the authority to:

(1) Set operations review and analysis policies, programs, plans, and procedures for the Department, and

(2) Conduct operations reviews and analyses of Departmental and agency activities. These reviews will provide coordinated appraisals of Departmental and agency operations with respect to their effectiveness, relevance, need, and efficiency.

(h) Develop comprehensive long-range program plans.

(i) Administer the Department's program evaluation system; maintain an integrated multi-year programming and budgeting structure; and monitor performance of agencies in meeting budgeting targets and objectives.

(j) Review and approve exemptions for Department of Agriculture contracts, subcontracts, grants, subgrants, agreements, subagreements, loans and subloans from the requirements of the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*), and Executive Order 11738 when he or she determines that the paramount interest of the United States so requires as provided in the above acts and Executive Order and the regulations of the Environmental Protection Agency (40 CFR 15.5).

(k) Coordinate and direct the design and structure of mechanisms for public participation in the Department's decision-making process.

(l) Monitor agency public participation programs and plans to insure consistency with Department goals and policies.

(m) Advise the Secretary and other policy-level officials of the Department on energy policies and programs.

(n) Participate as the Department representative at hearings, conferences, meetings, and other contacts with respect to policy matters related to energy, including liaison with the Department of Energy and other governmental agencies and departments.

(o) Serve as Co-Chairperson of the Energy Coordinating Committee of the Department.

(p) Provide Department-wide leadership in developing the agricultural and rural components of the National Energy Policy Plan.

(q) Develop and evaluate Departmental energy policies and strategies, including those regarding the allocation of scarce resources.

(r) Review and evaluate Departmental energy and energy-related programs and progress.

(s) Work with the Assistant Secretary for Governmental and Public Affairs to maintain Congressional and public contacts in energy matters, including development of legislative proposals, preparation of reports on legislation pending in Congress, appearances before Congressional Committees and related activities.

(t) Incorporate into existing budgetary systems and procedures the capabilities necessary to carry out functions and responsibilities for USDA energy planning, policies, and strategies, including the management of funds transferred to USDA from the Department of Energy pursuant to interagency agreements.

8. A new § 2.37 is added to read as follows:

§ 2.37 Reservations of authority.

The following authority is reserved to the Secretary of Agriculture:

(a) Final approval of the Department's program and financial plans.

§ 2.68 [Amended]

9. Section 2.68 is amended by removing the term "Director of Economics, Policy Analysis and Budget" in paragraph (a)(4) and adding in lieu thereof the term "Assistant Secretary for Economics", and by removing "Director of Economics, Policy Analysis and Budget in § 2.27(c)" in paragraph (a)(21) and adding in lieu thereof "Assistant Secretary for Economics in § 2.27(a)".

10. The heading of Subpart K is revised to read as follows:

Subpart K—Delegations of Authority by the Assistant Secretary for Economics

11. Section 2.83 is revised to read as follows:

§ 2.83 Deputy Assistant Secretary for Economics.

(a) *Delegations.* Pursuant to § 2.27, subject to reservations in § 2.28, and subject to policy guidance and direction by the Assistant Secretary, the following delegation of authority is made by the Assistant Secretary for Economics to the Deputy Assistant Secretary for Economics, to be exercised only during the absence or unavailability of the Assistant Secretary:

(1) Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Assistant Secretary for Economics.

§ 2.84 [Reserved]

12. Section 2.84 is removed and reserved.

13. Section 2.85 is amended by removing and reserving paragraph (a)(4), and by revising paragraphs (a), (a)(16), and (b) to read as follows:

§ 2.85 Administrator, Economics and Statistics Service.

(a) *Delegations.* Pursuant to § 2.27 (a) and (c), subject to the reservations in § 2.28(a), the following delegations of authority are made by the Assistant Secretary for Economics to the Administrator, Economics and Statistics Service:

* * * * *

(4) [Reserved]

* * * * *

(16) Conduct research and carry out other activities related to the marketing practices of associations of producers to support the Assistant Secretary for Economics in his or her responsibility to identify cases of undue price enhancement (7 U.S.C. 292).

(b) *Reservations.* The following authority is reserved to the Assistant Secretary for Economics:

(1) Review all proposed decisions having substantial economic policy implications.

14. Section 2.86 is amended by revising paragraphs (a), (a)(1)(ii), (a)(2)(i), and (b) to read as follows:

§ 2.86 Chairman, World Food and Agricultural Outlook and Situation Board.

(a) *Delegations.* Pursuant to § 2.27 (a), (d), (e), and (f), subject to reservations in § 2.28(a), the following delegations of authority are made by the Assistant Secretary for Economics to the Chairman, World Food and Agricultural Outlook and Situation Board:

(1) *Related to food and agriculture outlook and situation.*

(i) * * *

(ii) Oversee and clear for consistency of analytical assumptions and results all estimates and analyses which significantly relate to international and domestic commodity supply and demand, including such estimates and analyses prepared for public distribution by the Foreign Agricultural Service, the Economics and Statistics Service, or by any other agency or office of the Department.

(2) *Related to weather and climate.*

(i) Coordinate all weather and climate information and monitoring activities within the Department, serving as the representative of the Assistant Secretary for Economics, and acting as the overall focal point in the Department for weather and climate information and impact assessment.

* * * * *

(b) *Reservations.* The following authority is reserved to the Assistant Secretary for Economics:

(1) Review all proposed decisions having substantial economic policy implications.

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

For Subparts A, C, D, and K.

Dated: April 9, 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-11309 Filed 4-14-81; 8:45 am]

BILLING CODE 3410-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 741

Federal Credit Unions; Requirements for Insurance and Voluntary Termination of Insurance

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration amends its regulations to require that each federally insured credit union shall file financial and statistical reports on a semi-annual basis. This change from the present annual filing requirement will allow the use of more current information by Congress, Federal executive banking agencies, and also by the credit union industry itself.

EFFECTIVE DATE: May 15, 1981.

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

FOR FURTHER INFORMATION CONTACT: Steven R. Bisker, Office of General Counsel, or Mike Fischer, Office of Examination and Insurance, at the above address. Telephone number: (202) 357-1030 (Mr. Bisker), (202) 357-1065 (Mr. Fischer).

SUPPLEMENTARY INFORMATION: On December 17, 1980, (45 FR 82955) and on January 5, 1981, (46 FR 922) (correction to December 17, 1980 publication), the National Credit Union Administration (NCUA) published for public comment a proposed rule changing the filing of Financial and Statistical reports by all Federally insured credit unions from annually to semi-annually. It was noted that the NCUA Board had previously adopted the policy of semi-annual reporting on June 5, 1980, under the authority for such immediate adoption contained in sections 106 and 202(a)(1), (2) of the Federal Credit Union Act (12 U.S.C. 1756 and 1782(a)(1), (2)). In order to formally adopt this policy of semi-annual reporting on an ongoing basis, the Board proposed to amend §§ 701.13 and 741.7 of the NCUA rules and regulations (12 CFR 701.13 and 741.7).

In total, less than ten comments were received with half supporting the proposed changes and half against. However, out of those supporting the change, two were from the major credit union trade associations. It was noted that the majority of the comments received by the associations from their members supported the change. Further, it was recognized that with semi-annual reporting, NCUA would be better able to evaluate the stability of the credit union system.

Of those not favoring the change, the general feeling was that less regulation and less paperwork were more important than the receipt of updated information by NCUA. One commenter suggested that we use the information reported by credit unions for Regulation D reporting for our financial and statistical report. Unfortunately the purpose of Regulation D reporting and the NCUA call reports are different as is the information contained on each form. Another commenter noted that two reports a year instead of one creates an additional burden and suggested that NCUA use a credit union's monthly financial report in lieu of the required call report. As previously discussed in the proposed regulation, if a credit union uses the new Forms FCU 109 (a, b, c) as its month end financial report, a credit union could satisfy the semi-annual call report requirement by simply copying its monthly forms prepared as of December 31, and June 30 and completing the one page supplement. (At this time, however,

credit unions will still report on the Form NCUA 5300 until instructed otherwise.)

The NCUA Board, after reviewing and considering the comments, has determined that the proposed rule is beneficial, aiding both NCUA and the reporting credit unions and therefore has approved the finalizing of the proposed rule. It should again be stressed that the change would:

(1) Provide more current information for use by NCUA's central office and regional offices and would enable the Agency to provide more current information on credit union operations to Congress, the Federal Reserve, the Federal Financial Institutions Examination Council, the DIDC and other Agencies;

(b) Provide credit union managers with reports summarizing credit union operations by size, location and type of membership on a semi-annual basis thereby facilitating meaningful comparisons twice a year;

(c) Provide more timely and useful data on individual credit unions and on the credit union industry enabling the Agency to be more responsive to the needs of credit unions by identifying and addressing emerging problem areas before such problems become chronic or widespread.

Accordingly, § 701.13 is revised and § 741.7 is added as set forth below.

Beatrix D. Fields,

Acting Secretary of the NCUA Board.

April 9, 1981.

(Sec. 106, 92 Stat. 3683 (12 U.S.C. 1756), Section 202(a)(1), (2), 92 Stat. 3681, 3682 (12 U.S.C. 1782(a)(1), (2)), Section 120, 73 Stat. 635 (12 U.S.C. 1766) and Section 209, 84 Stat. 1104 (12 U.S.C. 1789))

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

§ 701.13 Financial and statistical and other reports.

(a) Each operating Federal credit union shall file with the National Credit Union Administration on or before January 31 and on or before July 31 of each year a semi-annual Financial and Statistical report on Form NCUA 5300 or the current revised Forms FCU 109 (a, b, c) (with Supplement), as instructed, as of the previous December 31 and June 30. These Forms are furnished to all Federal credit unions by the Administration, and copies may be obtained from any Regional Office.

(b) When it is deemed necessary or desirable and upon written notice from the Board or Regional Director, Federal credit unions shall file, in accordance with instructions contained in such notice as to time and place, such financial or other reports as of such date or dates as shall be prescribed in such notice.

PART 741—REQUIREMENTS FOR INSURANCE AND VOLUNTARY TERMINATION OF INSURANCE

§ 741.7 Financial and statistical and other reports.

(a) Each operating insured credit union shall file with the National Credit Union Administration on or before January 31 and on or before July 31 of each year a semi-annual Financial and Statistical report on Form NCUA 5300 or the current revised Forms FCU 109 (a, b, c) (with Supplement), as instructed, as of the previous December 31 and June 30. The Forms are furnished to all insured credit unions by the Administration, and copies may be obtained from any Regional Office.

(b) When it is deemed necessary or desirable and upon written notice, from the Board or Regional Director, insured credit unions shall file, in accordance with instructions contained in such notice as to time and place, such financial or other reports as of such date or dates as shall be prescribed in such notice.

[FR Doc. 81-11394 Filed 4-14-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 81-84]

Chile; Lists of Nations Whose Registered Vessels Are Permitted To Transport Certain Articles Coastwise

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to add Chile to the lists of nations which permit vessels of the United States to transport certain articles specified in section 27, Merchant Marine Act of 1920, as amended, between their ports. The Department of State has furnished satisfactory evidence that Chile places no restrictions on the transportation of the specified articles by vessels of the United States between ports in that country. This amendment provides reciprocal privileges for vessels registered in Chile.

EFFECTIVE DATE: July 24, 1980.

FOR FURTHER INFORMATION CONTACT: Michael K. Tomenga, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883) (the "Act"), provides generally that no merchandise shall be transported by water, or by land and water, between points in the United States except in vessels built in and documented under the laws of the United States and owned by U.S. citizens. However, the Act, as amended, provides that upon a finding by the Secretary of the Treasury, pursuant to information obtained and furnished by the Secretary of State that a foreign nation does not restrict the transportation of certain articles between its ports by vessels of the United States, reciprocal privileges will be accorded to vessels of that nation, and the prohibition against the transportation of those articles between points in the United States will not apply to its vessels.

Section 4.93(b)(1), Customs Regulations (19 CFR 4.93(b)(1)), lists those nations found to extend reciprocal privileges to vessels of the United States for the transportation of empty cargo vans, empty lift vans, and empty shipping tanks. Section 4.93(b)(2), Customs Regulations (19 CFR 4.93(b)(2)), lists those nations found to grant reciprocal privileges to vessels of the United States for the transportation of equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and certain equipment for use with such barges; certain empty instruments of international traffic; and certain stevedoring equipment and material.

On July 24, 1980, the Department of State advised the Secretary of the Treasury that Chile places no restrictions on the transportation of the articles listed in the Act by vessels of the United States between ports in Chile.

Finding

On the basis of the information received from the Secretary of State, as described above, I find that the Government of Chile places no restrictions on the transportation of the articles specified in section 27 of the Merchant Marine Act of 1920, as amended, by vessels of the United States between ports in Chile. Therefore, reciprocal privileges are

accorded to vessels registered in Chile as of July 24, 1980.

Amendments to the Regulations

To reflect the reciprocal privileges granted to vessels registered in Chile, §§ 4.93(b)(1) and 4.93(b)(2), Customs Regulations (19 CFR 4.93 (b)(1), (b)(2)), are amended by inserting "Chile" in appropriate alphabetical order in the lists of nations under those sections.

(Sec. 27, 41 Stat. 999, as amended, sec. 14, 67 Stat. 516 Pub. L. 90-474, 82 Stat. 700 (5 U.S.C. 301, 19 U.S.C. 1322(a), 46 U.S.C. 883))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because these are minor amendments in which the public is not particularly interested and there is a statutory basis for the described extension of reciprocal privileges, notice and public procedure pursuant to 5 U.S.C. 553(b)(B) are unnecessary. In accordance with 5 U.S.C. 553(d)(1), a delayed effective date is not required because these amendments grant an exemption.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and the Treasury participated in its development.

Dated: March 21, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-11390 Filed 4-14-81; 8:45 am]

BILLING CODE 4810-22-M

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19 CFR Part 123

[T.D. 81-85]

United States and Canada In-Transit Truck Procedures

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: Trucks proceeding between points in the United States may cross the United States-Canadian border, use Canadian highways, and then reenter the United States and proceed to their destination. This document amends the Customs Regulations to require the driver of a truck carrying merchandise between points in the United States, via Canada, to present a manifest (an itemized listing of the shipment) for validation by U.S. Customs at the United States port of departure. The driver would then be required to present the validated manifest to Canadian Customs at the Canadian ports of entry and exit and to U.S. Customs at the port of reentry into the United States. Under prior procedures, the manifest was required to be presented at the United States port of reentry but not at the port of departure. This change will enable U.S. Customs at the port of departure to verify the contents of shipments covered by the manifest so as to ensure the payment of duties and taxes and compliance with applicable laws and regulations when the truck reenters the United States. Conforming amendments also are made because of similar changes in Canadian Customs procedures concerning truck shipments proceeding between points in Canada via the United States.

EFFECTIVE DATE: May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: Benjamin H. Mahoney, Entry Procedures and Penalties Division (202-566-5765); Operational Aspects: J. Bradley Lund, Office of Inspection (202-566-5354), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Because of the geographic, highway, and climatic conditions along the United States-Canadian border, use of a Canadian route to transport merchandise by truck between points in the United States is a common occurrence. In these circumstances, the merchandise merely is being transported through Canada; there is no intent to export it from the United States. To process this type of movement, § 123.41, Customs Regulations (19 CFR 123.41), provides a simplified Customs procedure which allows for the reentry of merchandise into the United States without filing a Customs entry and paying duty.

Under prior procedures, a manifest on United States-Canada Transit Manifest, Customs Form 7512-B Canada 8½, an itemized list of merchandise being transported, was presented to Canadian Customs officers at the Canadian port of arrival by the driver of a truck carrying shipments of merchandise between points in the United States through Canada. Upon compliance with Canadian Customs regulations, the shipment was sealed, unless sealing was waived by Canadian Customs, and the driver was allowed to proceed through Canada. At the Canadian port of exit, the driver presented the manifest to Canadian Customs officers to verify that the seals were intact or, if sealing had been waived, that there were no irregularities. This ensured that no changes had been made in the shipment. After verification and certification of the manifest, the driver was allowed to proceed to the United States port of reentry where he presented the certified copy of the manifest to U.S. Customs officers. If they were satisfied that the shipment contained only merchandise which moved on the truck from the United States through Canada, the truck was allowed to reenter the United States without filing a Customs entry and paying duty.

This procedure, which was implemented with the cooperation of Canadian Customs and was similar to the procedure they used for truck shipments proceeding between points in Canada via the United States, was designed to protect the revenue of both countries while not delaying unnecessarily the transportation of merchandise.

However, it had come to the attention of U.S. Customs that, in certain circumstances, the revenue may not be protected because foreign merchandise may be imported into the United States without duty being paid. For example, under § 123.31, Customs Regulations (19 CFR 123.31), merchandise may be transported in transit across the United States between Canada and Mexico under the procedures set forth in Part 18, Customs Regulations (19 CFR Part 18), for merchandise entered for transportation and exportation. Using these procedures, a shipment of foreign merchandise from Mexico destined for Canada may be transported under bond on a Transportation and Exportation Entry (T&E) by truck through the United States and exported to Canada. Because the merchandise is not entering the commerce of the United States, the truck driver need not file a formal U.S. Customs entry and pay duty. However, it had been found that after the T&E is closed by U.S. Customs officers at the United States port of exit and the bond cancelled, some truck drivers then had presented a manifest on Customs Form 7512-B Canada 8½ to Canadian

Customs at a Canadian port of arrival. By following the procedures under § 123.41, foreign merchandise transported through the United States from Mexico to Canada was shown on the manifest as merely being transported by truck from point to point in the United States through Canada and then was reentered into the United States without an entry filed and duty paid. In addition to creating a situation that allowed the United States to be deprived of the revenue due on this foreign merchandise, the prior wording of § 123.41 could allow persons to bring narcotics and other contraband into the United States.

Accordingly, on December 9, 1976, a notice was published in the **Federal Register** (41 FR 53810) of a proposal to amend § 123.41(a) to require the driver of a truck carrying shipments of merchandise between points in the United States through Canada to present a manifest on Customs Form 7512–B Canada 8½ to U.S. Customs officers at the United States port of departure. This would allow U.S. Customs officers there to validate the manifest for shipments of merchandise transiting Canada by truck from point to point in the United States. A manifest on Customs Form 7512–B Canada 8½ would not be presented for validation if the merchandise covered by the manifest arrives at the United States port of departure for export. Without a validated manifest, Canadian Customs officers at the Canadian port of entry would not permit the truck shipment to transit Canada from point to point to return to the United States. This procedure would ensure that foreign merchandise is not reentered into the United States without the filing of an entry and payment of duties.

Based upon the comments received in response to the notice and upon further review of this matter, Customs determined that certain changes were necessary in the procedures followed by U.S. Customs officers concerning presentation of Customs Form 7512–B Canada 8½ which were not included in the initial proposal to amend § 123.41. Furthermore, it also became necessary to make conforming amendments to § 123.42, Customs Regulations (19 CFR 123.42), concerning the procedures used by Canadian Customs for truck shipments transiting the United States while proceeding between points in Canada.

In view of the foregoing, a new notice of proposed rulemaking was published in the **Federal Register** on August 20, 1980 (45 FR 55474). Interested parties were given until October 20, 1980, to submit written comments on the proposal.

Discussion of Comments

Five comments were received in response to the notice. Four of the responses were in favor of adoption of the proposal. In addition, one of these commenters suggested that the intransit manifest, Customs Form 7512–B Canada 8½, be change to provide for a description of the merchandise on the form. Customs considers a change in the form itself to be outside the scope of this regulatory project; however, the suggestion will be considered separately.

One commenter expressed concern about an operational problem he believes would arise if the proposed regulations were implemented. He states that under existing procedures, merchandise transiting the United States between points in Canada is placed in-bond at the United States port of arrival in the name of a bonded carrier or freight forwarder. The commenter also notes that a United States customhouse broker generally prepares the in-transit manifest at the port of arrival, including providing the name of the bonded carrier, and signs the document on behalf of the bonded carrier.

The commenter states that if the regulations were adopted as proposed thereby requiring the driver of the truck to present the in-transit manifest at the first port of departure in Canada prior to transiting the United States, the party preparing this form in Canada would have to know which carriers in the United States are bonded and also have an appropriate Power of Attorney to sign the in-transit manifest on behalf of the bonded carrier. He indicates that the same situation would occur for the party preparing the in-transit manifest in the United States to permit a bonded movement in Canada.

The commenter suggests that the person preparing the in-transit manifest at the port of departure complete the document except leave blank the name and signature of the bonded carrier. This portion of the form would be completed once the merchandise arrives at the port of arrival in the other country.

Customs notes that pilot programs have revealed no serious problems with this procedure. Furthermore, many carriers are bonded in both countries. However, Customs has no objection to the suggestion that the name and signature of the bonded carrier be left blank at the first port of departure and be completed at the port of arrival in the other country. Since the proposed regulations require that the merchandise transiting the other country be manifested at the port of departure and the form validated there by Customs officials, we believe the suggestion may be used without revising the proposal. Accordingly, the amendments are being adopted as proposed.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code (as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act") because it was the subject of a notice of proposed rulemaking published in the **Federal Register** before January 1, 1981, the effective date of the Act.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations

Part 123, Customs Regulations (19 CFR Part 123), is amended as set forth below.

Approved: March 30, 1981.

William T. Archey,

Acting Commissioner of Customs.

Approved: March 30, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

Subpart E—United States and Canada In-Transit Truck Procedures

1. § 123.41 is revised to read as follows:

§ 123.41 Truck shipments transiting Canada.

(a) *Manifest required.* Trucks with merchandise transiting Canada from point to point in the United States will be manifested on United States-Canada Transit Manifest, Customs Form 7512–B Canada 8½. The driver shall present the manifest in four copies to U.S. Customs at the United States port of departure for review and validation.

(b) *Procedure at United States port of departure.* The Customs officer receiving

the manifest shall validate it by stamping each copy in the lower right hand corner to show the port name and date and by initialing each copy. All copies of the validated manifest then will be returned to the driver for presentation to Canadian Customs at the Canadian port of entry.

(c) *Procedure at Canadian ports of arrival and exit.* Truck shipments transiting Canada shall comply with Canadian Customs regulations. These procedures generally are as follows:

(1) *Canadian port of arrival.* The driver shall present a validated United States-Canada Transit Manifest Customs Form 7512-B Canada 8½, in four copies to the Canadian Customs officer, who shall review the manifest for accuracy and verify its validation by U.S. Customs. If the manifest is found not to be properly validated, the truck shall be required to be returned to the United States port of departure so that the manifest may be validated. If the manifest is validated properly and no irregularity is found, the truck will be sealed unless sealing is waived by Canadian Customs. The original manifest will be retained by Canadian Customs at the port of arrival, and the three copies will be returned to the driver for presentation to Canadian Customs at the Canadian port of exit.

(2) *Canadian port of exit.* The driver shall present the three copies of the validated manifest to the Canadian Customs officer at the Canadian port of exit for certification. That officer shall verify that the seals are intact if the vehicle has been sealed or, if sealing has been waived, that there are no irregularities. After verification and certification of the manifest, two certified copies will be returned to the driver (one to be presented to U.S. Customs at the United States port of reentry, the other for the carrier's records), and the truck will be allowed to proceed to the United States.

(d) *Procedure at United States port of reentry.* The driver of a truck reentering the United States after transiting Canada shall present a certified copy of the United States-Canada Transit Manifest, Customs Form 7512-B Canada 8½, to the U.S. Customs officer. If this copy of the manifest does not bear the certification of a Canadian Customs officer at the Canadian port of exit, the driver will be allowed to return to that port to have it certified. The driver will be allowed to break any seals affixed by Canadian Customs upon presentation of a certified manifest. If sealing has been waived, the U.S. Customs officer shall satisfy himself that the truck contains only that merchandise covered by the manifest which moved on the truck from the United States through Canada.

(e) *Proof of exportation from Canada.* The certified copy of the manifest returned to the driver by Canadian Customs at the Canadian port of exit will serve as proof of exportation of the shipment from Canada.

2. § 123.42 is revised to read as follows:

§ 123.42 Truck shipments transiting the United States.

(a) *Manifest required.* Trucks with merchandise transiting the United States from point to point in Canada will be manifested on United States-Canada Transit Manifest, Customs Form 7512-B Canada 8½. The driver, in accordance with Canadian Customs regulations, shall present the manifest in four copies to Canadian Customs at the Canadian port of departure for review and validation.

(b) *Procedure at Canadian port of departure.* The Customs officer receiving the manifest shall validate it by stamping each copy in the lower right hand corner to show the port name and date and by initialing each copy. All copies of the validated manifest then will be returned to the driver for presentation to U.S. Customs at the United States port of entry.

(c) *Procedure at United States port of arrival*—(1) *Presentation of manifest.* The driver shall present a validated United States-Canada Transit Manifest, Customs Form 7512-B Canada 8½, in four copies to the U.S. Customs officer, who shall review the manifest for accuracy and verify its validation by Canadian Customs. If the manifest is found not to be validated properly, the truck will be required to be returned to the Canadian port of departure so that the manifest may be validated in accordance with Canadian Customs regulations. If the manifest is validated properly and no irregularity is found the truck will be sealed unless sealing is waived by U.S. Customs. The U.S. Customs officer shall note on the manifest over his initials the seal numbers or the waiver of sealing, retain the original, and return three copies of the manifest with the related Customs Form 7512-C (duplicate) to the driver for presentation to U.S. Customs at the United States port of exit.

(2) *Sealing or waiver of sealing.* Trucks transiting the United States will be sealed with red in-bond seals at the United States port of arrival unless sealing is waived in accordance with § 18.4 of this chapter. If a truck cannot be sealed effectively and sealing is deemed necessary to protect the revenue or to prevent violation of the Customs laws or regulations, the truck will not be permitted to transit the United States under bond.

(d) *Procedure at United States port of exit.* The driver shall present the three validated copies of the manifest and the related Customs Form 7512-C (duplicate) to the U.S. Customs officer at the U.S. port of exit. The Customs officer shall check the numbers and condition of the seals and record and certify his findings on all copies of the manifest, returning two certified copies to the driver (one to be presented to Canadian Customs at the Canadian port of reentry, the other for the carrier's records), and the truck will be allowed to proceed to Canada. The check of the seals shall be made as follows:

(1) If the seals are intact, they will be left unbroken unless there is indication that the contents should be verified.

(2) If the seals have been broken, or there is other indication that the contents should be verified, all merchandise will be required to be unladen and a detailed inventory made against the waybills.

If sealing has been waived, the Customs officer shall verify the goods against the accompanying waybills in sufficient detail to detect any irregularity.

(e) *Procedure at Canadian port of reentry.* The driver of a truck reentering Canada after transiting the United States shall present a certified copy of the United States-Canada Transit Manifest, Customs Forms 7512-B Canada 8½, to the Canadian Customs officer. If this copy of the manifest does not bear the certification of a U.S. Customs officer at the United States port of exit, the driver will be allowed to return to that port to have it certified.

(f) *Proof of exportation from United States.* The certified copy of the manifest returned to the driver by the U.S. Customs officer at the U.S. port of exit will serve as proof of exportation of the shipment from the U.S.

(R.S. 251, as amended, secs. 553, 554, 624, 46 Stat. 742, as amended, 743, 759 (19 U.S.C. 66, 1553, 1554, 1624))

[FR Doc. 81-11067 Filed 4-14-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

Health Care Financing Administration

Office of Human Development Services

20 CFR Part 416

42 CFR Part 435

45 CFR Part 1396

Supplemental Security Income, Medicaid, and Social Security; Continuation of Benefits and Eligibility for Certain Severely Impaired Recipients Who Work

Corrections

In FR Doc. 81-2297 appearing on page 6903 in the issue of Thursday, January 22, 1981, make the following changes:

(1) On page 6904, second column, sixth line of the first full paragraph, delete "in"; twentieth line from the bottom, "state" should read "State"; and in the twelfth line from the bottom, "verfy" should read "verify".

(2) On page 6905, third column, fourth line from the top, "our" should read "out".

(3) On page 6906, third column, eighth line from the bottom of the first full paragraph, "pubic" should read "public".

BILLING CODE 1505-01-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 9

[Dept. Reg. 108.806]

Security Information Regulations; Designation of Additional Officials

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: Regulations of the Department of State concerning security information are amended to designate additional officials to sign letters of denial in answer to requests for classified information under the Freedom of Information Act, as amended; E.O. 12065; and the Privacy Act. This amendment will expedite the final disposition of requests.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Ennis, Director, Policy Development and Coordination Staff, Classification/Declassification Center, Department of State, Washington, DC 20520. Telephone: (202) 632-0772.

SUPPLEMENTARY INFORMATION: 22 CFR 9.16(l)(1) states that letters of denial to requests for classified information should be signed by the agency head or deputy head or by an officer of at least deputy assistant secretary level or equivalent. The designated deputy assistant secretary in each bureau previously signed denial letters for that bureau. Since those regulations were written, the Department has centralized its declassification system. The Department's policies and procedures regarding public access to official information and records were revised September 2, 1980. (22 CFR 171; 45 FR 58108)

Section 9.16(l)(1) title 22, Code of Federal Regulations is, therefore, being amended to bring the security information regulations into conformity with the policies and procedures regarding public access to official information and records. Since this amendment concerns a matter of internal management in the Department of State, it is not considered a major rule under E.O. 12291. (46 FR 13193, February 19, 1981.) It will become effective on April 1.

Accordingly, § 9.16(l)(1) of title 22, Code of Federal Regulations, is revised to read as follows:

§ 916 Mandatory review.

* * * * *

(l) * * *

(1) The receiving office shall record the request and arrange for search and review of the documents. The documents will be reviewed for declassification in accordance with these regulations or any applicable guidelines. If the documents remain classified and are not to be released, in whole or in part, the reviewing office will also prepare a letter informing the requester as described in paragraph (e) of this section. This letter to the requester shall be signed by the officials authorized under 22 CFR 171.50. The receiving office shall record disposition of the case and forward the letter of denial to the requester.

* * * * *

(E.O. 12065, National Security Regulations of June 28, 1978 (43 FR 28949, July 3, 1978); Information Security Oversight Office Directive No. 1 (43 FR 46280, October 5, 1978)

Dated: April 8, 1981.

Thomas M. Tracy,

Assistant Secretary for Administration.

[FR Doc. 81-11405 Filed 4-14-81; 8:45 am]

BILLING CODE 4710-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Regulation 6010.8-R]

Implementation of the Civilian Health and Medical Program of the Uniformed Services

AGENCY: Office of the Secretary of Defense, DOD.

ACTION: Technical change to regulation and statement of policy.

SUMMARY: This deletes the definition of conjoint therapy from CHAMPUS Regulation 6010.8-R (32 CFR 199) implementing directive for the Civilian Health and Medical Program of the Uniformed Services. It also announces a policy which provides guidelines for payment of claims for collateral visits and conjoint therapy in accordance with prescribed psychotherapy limitations.

DATES: Effective date—1 October 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Lorraine F. Carpenter, Special Assistant for CHAMPUS, Office of the Assistant Secretary of Defense (Health Affairs), Room 3E339, The Pentagon, Washington, D.C. 20301, Telephone (202) 697-5185.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977 (43 FR 17972), the Office of the Secretary of Defense published its regulation, DOD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)." Amendment No. 1 was published in FR Doc. 79-9566, appearing in the **Federal Register** on March 29, 1979 (44 FR 18661); and Amendment No. 2 was published in FR Doc. 79-31420, appearing in the **Federal Register** on October 11, 1979 (44 FR 58709). Amendment No. 3 was published in FR Doc. 80-6788, appearing in the **Federal Register** on March 4, 1980 (45 FR 14034) and Amendment No. 4 was published in FR Doc. 80-19463, appearing in the **Federal Register** on June 27, 1980 (45 FR 4307). Section 199.8 contains the following definition of the term "conjoint therapy."

"§ 199.8(b)(40), Conjoint Therapy, "Conjoint Therapy" means the active involvement of persons other than the patient (father, mother, stepfather, stepmother or guardian, if the patient is a child; and husband or wife if the patient is an adult) in the psychiatric therapeutic treatment of the patient where the attending physician documents such involvement as being clearly necessary for the medical management of the primary case.

(Conjoint therapy may also be referred to as collateral visits.)"

The definition section of a directive should define terms that are used in the directive; however, the term conjoint therapy only appears in the definition section and is not referred to elsewhere. Furthermore, it has been found that this definition is not technically correct as far as current practice is concerned. We are, therefore, taking this opportunity to make a technical change by deleting the current definition of conjoint therapy from the definition section.

Technical Change

Accordingly, 32 CFR Chapter 1, Part 199, is amended by removing § 199.8(b)(40), *Conjoint Therapy*, from the Definition Section and reserving this paragraph. It now reads as follows:

§ 199.8 Definitions.

* * * * *

(b) Specific definitions. * * *

(40) [Reserved]

* * * * *

Section 199.10, paragraphs (a)(10) and (a)(11) of the CHAMPUS Regulation (Part 199 of this title) authorizes the Director, CHAMPUS (or a designee), to issue such other instructions, procedures, guidelines, standards, norms, and criteria, as may be necessary to implement the intent of the Regulation.

Accordingly, the following statement of policy provides guidelines for payment of claims for collateral visits and conjoint therapy in accordance with § 199.10, paragraph (c)(3)(ix).

Statement of Policy

A. *Definitions.*

1. *Collateral Visits:* A collateral visit is defined as a session between an authorized individual professional provider and a significant person in the identified-patient's life. It is not a therapy session. It is conducted for the purpose of information gathering and/or implementing treatment goals for the patient. By its nature, the collateral visit does not require the presence of the identified-patient during the session, although this may sometimes occur. For the purpose of extending CHAMPUS benefits for collateral visits, a "significant" person is generally the husband, wife or those children eligible for CHAMPUS benefits.

Unmarried children who are no longer eligible for CHAMPUS benefits but who are living in the same household as the identified patient may also be considered eligible for collateral visits. If the patient is a child-adolescent (i.e., under 18 years of age), the "primary caretaker" shall be eligible for collateral visits whether or not he/she otherwise falls within the definition of family. Other individuals also may qualify for collateral visits for both the adult and the child/adolescent patient provided it can be demonstrated to the satisfaction of the Program that the individual is, in fact, a "significant" person in the life of the identified-patient.

2. *Conjoint therapy:* Conjoint therapy is a collective term used to indicate a category of therapies where more than the therapist and the patient are in the treatment session at the same time—i.e., one or more family members. Conjoint therapy is classified as a form of group therapy. Conjoint therapy may include, but is not necessarily limited to:

a. *Marital Therapy:* Marital therapy means therapy carried out with the aim of treating a mental or emotional illness where there is functional impairment of one or both partners. It involves husband and wife being seen together. A husband and wife undergoing marital therapy would not be expected to undergo individual psychotherapy.

b. *Family therapy:* Family therapy means therapy involving the presence of the family unit. Family therapy is based on the assumption that the mental or emotional illness and the functional impairment of the identified-patient is related to family interactions and, therefore, the family is the unit that should be treated. It is meant to restore functioning in the identified-patient in a manner that requires the presence of the family members at most treatment sessions. For the purpose of extending CHAMPUS benefits for "conjoint therapy," the "family" is the husband, wife or those children eligible for CHAMPUS benefits. Unmarried children who are no longer eligible for CHAMPUS benefits but who are living in the same household as the identified-patient may also be considered eligible to participate in conjoint therapy.

B. *Claims Screening Criteria.*

1. *Adjudication of Claims for Collateral Visits.* Claims for collateral visits will be adjudicated in accordance with the following criteria:

a. *Part of Total Services:* There are no specific restrictions on the number of collateral visits permitted within a treatment episode of the identified-patient. Collateral visits will, however, be included as an integral part of the total of all services provided to the identified patient for the purpose of determining coverage, review points, etc.

b. *Length of Time:* The length of time of the collateral visit must be indicated on the claim form.

c. *Charges for Collateral Visits:* Charges for collateral visits must be made against the identified-patient, not against the collateral.

d. *Relationship to Identified Patient:* Claims for collateral visits must indicate the name of the collateral and his/her relationship to the patient. In the case of an unmarried child no longer eligible for CHAMPUS, a statement is required that the child was residing in the home of the identified-patient at the time the collateral visit took place. If the collateral is other than the spouse, child, or parent of an identified-patient, it is necessary to provide a statement with supporting documentation describing how he/she is a significant person in the life of the identified-patient.

2. *Adjudication of Claims for Conjoint Therapy.*

a. *Specific Information Required:* Because the term conjoint therapy is sometimes used to refer to a variety of treatment concepts, claims for conjoint therapy must explain the specific nature of the care provided and by defining it as family therapy, marital therapy or other type of group therapy. In addition, any claim for conjoint therapy must include the length of the session.

b. *Charges for Conjoint Therapy:* For purposes of extending CHAMPUS benefits, conjoint therapy is always considered group therapy. Unlike the traditional group therapy setting, however, which relies on the interaction of several identified-patients who are not related and for which a charge is made to each patient in the group session, in conjoint therapy, regardless of the number of family members that may be involved, only a single charge per session is acceptable. Such charge is always to be made against the identified-patient.

c. *All Limitations Apply:* Conjoint therapy is subject to the requirements and limitations for other types of psychotherapy.

3. *General.*

a. *Diagnosis:* In order to be considered for benefits under CHAMPUS, the claim for collateral visits or conjoint therapy must indicate the specific diagnosis of the identified-patient.

b. *Marital Therapy vs Marital Counseling:* Marital therapy should not be confused with marital counseling. Marital counseling means the counseling of a husband and wife for marital problems, or in relation to impending or contemplated divorce, or for social or behavioral problems, when no medically diagnosed mental illness resulting in significant dysfunction is present in either party. Marital counseling is not psychotherapy and does not qualify for benefits under CHAMPUS, regardless of the type of provider rendering the

counseling or whether the provider is otherwise authorized.

c. *Active Duty Member Involvement:* Claims for collateral visits or conjoint therapy which involve an active duty member are not payable, except as specifically provided for in A.1, and A.2.b. above.

d. *Identified-Patient Must Be Eligible Beneficiary:* In order for collateral visits or conjoint therapy to be considered for benefits under CHAMPUS, the identified-patient must be an eligible CHAMPUS beneficiary. Claims for collateral visits or conjoint therapy which identify the active duty member or other ineligible person as the identified-patient are not payable under CHAMPUS regardless of whether or not the collateral is an eligible beneficiary.

e. *Review Guidelines Apply:* All applicable review guidelines in effect will be observed. All claims must be documented for medical/psychological necessity. If during the adjudication or review process it is determined additional information is required in order to process a claim to completion, it must be provided or the claim will be denied.

M. S. Healy,

OSD Federal Register Liaison, Washington Headquarters Services, Department of Defense.

April 9, 1981.

[FR Doc. 81-11440 Filed 4-14-81; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 1794-3]

Approval and Promulgation of Implementation Plans; Revision to Alaska and Washington State Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On February 6, 1981, EPA proposed for public comment in the **Federal Register** (46 FR 11309) revisions to the Alaska and Washington State Implementation Plans. The revisions were in response to the May 10, 1979 (44 FR 27558) promulgated Rules and Regulations for Air Quality Monitoring, Data Reporting and Surveillance Provisions. No comments were received, therefore EPA is today approving the SIP revisions for the States of Alaska and Washington. EPA approves a revision to the Alaska and Washington State Implementation Plan to meet Federal Monitoring Regulations, 40 CFR Part 58, Subpart C, § 58.20 Air Quality Surveillance, plan content.

EFFECTIVE DATE: April 15, 1981.

ADDRESSES: Copies of the relative material for this revision may be examined during normal business hours at the following locations:

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

Central Docket Section (10A-80-18), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460;

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

FOR FURTHER INFORMATION CONTACT: William B. Schmidt, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-1106, FTS: 399-1106.

SUPPLEMENTARY INFORMATION: Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to regulatory impact analysis. This regulation is not major because it does not have an annual effect on the economy of $100 million or more; create a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or create significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

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

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the locations listed in the "Addresses" section.

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

Subpart C—Alaska

Section 52.70(c)(9) is added as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

(9) On January 20, 1980, the State of Alaska Department of Environmental Conservation submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR Part 58, Subpart C, 58.20.

Subpart WW—Washington

Section 52.2470(c)(24) is added as follows:

§ 52.2470 Identification of Plan.

* * * * *

(c) * * *

(24) On March 5, 1980, the State of Washington Department of Ecology submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR Part 58, Subpart C 58.20.

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

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

Dated: April 8, 1981

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-11399 Filed 4-14-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-2-FRL 1792-6]

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

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On March 11, 1980 (45 FR 15531) the Environmental Protection Agency (EPA) promulgated conditional approval of the New Jersey State

Implementation Plan (SIP) with regard to its ability to meet the requirements of Part D of the Clean Air Act. This conditional approval identifed, among other corrective actions, the need for the State to clarify the term "lowest achievable emission rate" as used in a New Jersey regulation dealing with the review of new or altered sources in nonattainment areas, and the need for the State to certify that this regulation has been finally adopted and is enforceable.

EPA received the required clarification and certification from New Jersey on August 5, 1980 and proposed their acceptance approval on November 7, 1980 (45 FR 73970). In its **Federal Register** notice EPA also stated that additional changes made by the State to its regulation, not in response to EPA's conditional SIP approval, were being proposed for disapproval.

Today's notice advises the public that EPA is now taking action to finalize its proposal. EPA is also incorporating the provisions of the State's submission into the approved SIP and is revoking the applicable conditions on its approval of the plan. This action satisfies the last of the conditions on EPA's approval of the New Jersey SIP and the plan is now unconditionally approved.

EFFECTIVE DATE: This action is made effective on May 15, 1981.

ADDRESS: Copies of the State's submission and public comments received are available for inspection during normal business hours at the following addresses:

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

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

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

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

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

SUPPLEMENTARY INFORMATION: On March 11, 1980 at 45 FR 15531 the Environmental Protection Agency (EPA) promulgated conditional approval of the New Jersey State Implementation Plan (SIP) with regard to its ability to meet the requirements of Part D of the Clean Air Act, as amended. The reader is referred to this **Federal Register** notice for a detailed discussion of EPA's findings. Today's notice discusses the following two conditions on EPA's approval of the plan:

- On or before August 1, 1980 the State must clarify its definition of "lowest achievable emissions rate" (LAER) as used in N.J.A.C. 7:27-18.1 *et seq.*, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality in Nonattainment Areas (Emission Offset Rule)," so as to require a degree of emission control reflecting the most stringent achievable emission limitation which is contained in the implementation plan of any state for such class or category of sources. Such a limitation must further be at least as stringent as that required by any standard of performance for a new stationary source as promulgated under Section 111 of the Clean Air Act.
- On or before August 1, 1980 the State must certify to EPA that N.J.A.C. 7:27-18.1 *et seq.*, "Control and Prohibition of Air Pollution from New or altered Sources Affecting Ambient Air Quality in Nonattainment Areas (Emission Offset Rule)," has been finally adopted and is enforceable. Copies of the adopted regulations must be submitted along with the State's certification.

In response to these requirements, on August 5, 1980, the State submitted a copy of a revised version of N.J.A.C. 7:27-18.1 *et seq.*, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality in Nonattainment Areas (Emission Offset Rule)." In the November 7, 1980 issue of the **Federal Register** at 45 FR 73970 EPA published a notice which, with certain exceptions which will be discussed, proposed approval of this submission. The reader is referred to this **Federal Register** notice for a detailed discussion of the State's submittal and EPA's findings.

As noted in EPA's proposal, in adopting N.J.A.C. 7:27-18.1 *et seq.*, the State made two substantial changes to its definition of "significant emission increase" and a change to its criteria for requiring that an air quality impact review be performed. These changes could not be found approvable by EPA because they exempt certain sources which must be covered. Consequently, EPA proposed:

- To disapprove the changes made by New Jersey to its definition of "significant emission increase" as it appears in Section 18.1 of N.J.A.C. 7:27-18.1 *et seq.*;
- To disapprove changes made to paragraph (e)(1) of Section 18.2 of the regulation;
- To disapprove changes made to paragraphs (a) and (b)(1) of Section 18.3 of the regulation and;
- To promulgate corrective changes at § 52.1578, "Review of new sources and modifications," of Title 40 of the *Code of Federal Regulations.*

During the 60-day comment period following publication of its November 7, 1980 proposal, EPA received four comments.

In a letter from the Connecticut Department of Environmental Protection, concern was expressed about New Jersey's definition of LAER. Connecticut believes that this definition could be less restrictive than the control requirements determined by "Best Available Control Technology" (BACT) or even "Reasonably Available Control Technology" (RACT). Connecticut also voiced concern that a source may have a significant air quality impact even if the source's emission rate were less than the "significant emission increase" criteria used to subject a source to the New Jersey regulation.

EPA has reviewed the State's definition of LAER and has determined that it is equivalent to the definition found in Section 171(3) of the Clean Air Act. In no case would the definition of LAER require less restrictive control equipment than the control equipment requirements determined by BACT or RACT. With respect to Connecticut's second comment, it is true that a source with emissions less than those defined as a "significant emission increase" would not be subject to N.J.A.C. 7:27-18.1 *et seq.* However, the use of the "significant emission increase" concept meets EPA requirements for new source review. Furthermore, it should be noted that emissions from all sources must be assessed by New Jersey in monitoring its "reasonable further progress" toward attainment of the national ambient air quality standards. Consequently, EPA finds New Jersey's definition of LAER and "significant emission increase," as modified by EPA, to be acceptable.

EPA also received three other comments, very similar to one another, from the New Jersey Independent Liquid Terminals Association, the GATX Terminals Corporation and the New Jersey State Chamber of Commerce. They opposed EPA's proposed decision to disapprove those portions of N.J.A.C. 7:27-18.1 *et seq.* described earlier. Specifically, these commentators argued that, if the recent revision to EPA's "Emission Offset Interpretative Ruling" (45 FR 52741, August 7, 1980) were used

as the basis for EPA's review of New Jersey's regulation, the revisions made by New Jersey would be acceptable.

EPA has determined that the current form of N.J.A.C. 7:27–18.1 *et seq.* incorporates provisions of both earlier and current versions of EPA's Interpretative Ruling. In order to be approvable at this time it must be consistent with either one or the other version. It is not consistent with the earlier version insofar as it provides for 100-ton per year emission rate cutoff for applicability versus the earlier version's 50-ton per year cutoff (It should be noted that another deficiency identified in EPA's notice of proposed rule making, "netting," was in error. This fact is discussed later in todays notice). It is also inconsistent with the current version because along with technical defects dealing with definitions, it provides for the 100-ton per year cutoff versus the present Ruling's 40-ton per year cutoff for volatile organic substances.

The State has informed EPA that it is revising its current regulation to conform to the August 7, 1980 EPA promulgation. EPA believes that a reproposal to address the deficiencies of the current Subchapter 18, in light of the August 7, 1980 version of the Ruling, would therefore not be timely and would only serve to further confuse and burden the regulated community. Once the State's regulation is comprehensively revised to conform to the current version of the Offset Ruling, it may be resubmitted to EPA for approval as part of the New Jersey SIP.

GATX Terminals Corporation also commented that EPA's proposed decision to disapprove New Jersey's provision for the netting of emissions should not be finalized. It is argued that the earlier version of EPA's Interpretative Ruling allowed netting. Upon further review, EPA found that this contention is correct in the context of Part D SIP approval actions. While "netting" is not allowed under the Ruling, it is allowed as part of otherwise approvable SIP new source review provisions (44 FR 20379). As a result, EPA's final rulemaking, as promulgated today, no longer reflects a disapproval of the "netting" provisions in N.J.A.C. 7:27–18.1 *et seq.* as contained in Sections 18.1, 18.2(e)(1), 18.3(a) and 18.3(b)(1).

GATX Terminals Corporation further stated that EPA's insistence that the State modify its regulation to correspond to the earlier Interpretative Ruling and then revise it again to be consistent with the more recent version tends to confuse and burden the regulated community. EPA recognizes that today's action may lead to confusion among future applicants. However, the situation was unavoidable and should be of short duration if the State revises its regulation in a timely manner. In addition, EPA believes that if it awaited final enactment of the new revisions to Subchapter 18 its inaction would unduly delay and confuse implementation of the program.

Based on its review of the submitted documents, including the comments received, EPA finds that the subject conditions on its approval of the New Jersey SIP have been fully met. Therefore, EPA is incorporating the State's submission into the SIP and revoking the applicable conditions. Furthermore, this action serves to eliminate EPA's conditional approval of the New Jersey SIP since all the conditions have now been met.

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

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. The New Jersey State Department of Environmental Protection has indicated that no source has been subject to its regulation since its adoption on July 3, 1980. New Jersey will be revising its new source review regulation in mid-1981, at which time EPA should be able to revoke its promulgation. Therefore, this EPA regulation should not affect many sources.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. The SIP approvals announced today are not major because they only approve state actions. They impose no new regulatory requirements. The two disapprovals and corrective promulgations announced today are also not major because they preserve existing requirements. Previous State new source review provisions applied to all sources with pollutant emissions greater than or equal to 50 tons per year. However, the state's latest submittal sought to change this review cut off to 100 tons per year. EPA's actions correct the state's submittal to preserve the 50 ton cut off.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for inspection at EPA Region II, Air Programs, 26 Federal Plaza Room 1005, New York, New York 10278.

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

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

Dated: April 8, 1981.

Walter C. Barber,

Acting Administrator, Environmental Protection Agency.

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

Subpart FF—New Jersey

1. Section 52.1570 paragraph (c) is amended by adding new subparagraph (27) as follows:

§ 52.1570 Identification of plan.

* * * * *

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

* * * * *

(27) A supplementary submittal dated August 5, 1980 from the New Jersey Department of Environmental Protection consisting of revisions to Subchapter 18 of the New Jersey Administrative Code, entitled, "Control and Prohibitions of Air Pollution from Ambient Air Quality in Nonattainment Areas" (Emission Offset Rule), N.J.A.C. 7:27–18.1 *et seq.*

2. Section 52.1578 is amended by adding a new paragraph (c) as follows:

§ 52.1578 Review of new sources and modifications.

* * * * *

(c) Subchapter 18 of the New Jersey Administrative Code, entitled, "Control and Prohibitions of Air Pollution from Ambient Air Quality in Nonattainment Areas (Emission Offset Rule)," N.J.A.C. 7:27–18.1 *et seq.*, as submitted to EPA on August 5, 1980 by the New Jersey Department of Environmental Protection, is approved for the entire State of New Jersey, with the following provisions:

(1) The definition of "significant emission increase" as it appears in Section 7:27–18.1, entitled, "Definitions," is disapproved. The following definition of "significant emission increase" is applicable: "an increase, since December 21, 1976, in the rate of allowable emissions, including fugitive pollutant emissions, at a facility of any

criteria pollutant greater than or equal to 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, not including decreases in the rates of allowable emissions except where such decreases are contemporaneous with emission increases. The increase in the rates of allowable emissions shall be the cumulative total of increases from all new or altered equipment for which permits have been issued on or after December 21, 1976 and for which permit applications have been received by the Department, and the fugitive emissions associated with that equipment. The hourly and daily rates shall apply only with respect to a pollutant for which a national ambient air quality standard for a period not exceeding 24 hours has been established.

(2) Subsection (e)(1) under Section 7:27-18.2, entitled, "General Provisions," is disapproved and replaced with the following: "The requirements of subsections (c)(3), (c)(4), and (c)(5) of this Section shall again become applicable when proposed new construction or alterations at the facility would cause the increase in the rate of allowable emissions of that criteria pollutant to again exceed 50 tons per year, 1,000 pounds per day, or 100 pounds per hour whichever is most restrictive. The accumulation of increases in the rate of allowable emissions shall resume from zero after each application of paragraphs (c)(3) and (c)(4) of this Section."

§ 52.1581 [Reserved]

3. Section 52.1581, Part D—conditions on approval, is removed and reserved in its entirety.

[FR Doc. 81-11380 Filed 4-14-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 81

[A-8-FRL 1792-5]

Section 107—Attainment Status Designations—Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On February 29, 1980, EPA proposed action on the Governor of Colorado's September 27, 1979, requests for redesignation of the Pueblo 3-C Urbanized Area from nonattainment to unclassified for TSP. (45 FR 13476). For reasons explained in that notice, EPA proposed to modify the Governor's request and retain the nonattainment designation for this area.

EPA has considered the public comments received on that proposal. Since the monitoring data which shows violations of the air quality standard for particulates, has not been shown to be invalid, EPA is retaining the nonattainment designation for the Pueblo area.

EFFECTIVE DATE: April 15, 1981.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3471.

SUPPLEMENTARY INFORMATION: On September 27, 1979, the Governor of Colorado requested that EPA redesignate the Pueblo 3-C urbanized area from nonattainment for particulates to unclassified. On February 29, 1980, (45 FR 13476), EPA proposed to modify the Governor's request and retain the nonattainment designation. The principle reason for proposing to retain the nonattainment status was that monitoring data still shows violations of the ambient standards and EPA policy does not allow redesignation of an area to unclassified unless it is shown that the air quality data used to make the original designation are invalid.

No evidence was submitted by the State refuting the validity of the air quality data upon which the original nonattainment designation was based. Rather, the State based its request on "evidence that the area is not experiencing adverse effects to public health and welfare * * *" The State asked EPA to use "administrative good sense" in applying the ambient air quality standards for particulate matter by discounting the effects of particulates not generally of a size or substance thought to affect public health. Given the existing ambient air quality standard for particulates and EPA policy concerning redesignation of an area, today's final rulemaking modifies the State's request and retains the nonattainment designation for the Pueblo area.

Major Comments

Several commenters questioned EPA's February 29, 1980, proposal to modify the redesignation request and maintain the nonattainment designation for the Pueblo area. The principal comment was that EPA had merely relied on monitoring data showing violations of the particulate standard (averaging about 100 $\mu g/m^3$ annual geometric mean compared to the primary annual standard of 75 $\mu g/m^3$ annual geometric mean) without considering other relevant factors. The commenters urged EPA to consider testimony and data presented at the State's hearing on the proposed redesignation, including:

(1) Particles are not of a size and substance that have an adverse effect on public health;

(2) Industrial emissions have very little impact on air quality, e.g., hi-vol filter analysis shows that 90% of the particles are from natural sources and are too large to be respirable, 10% are from anthropogenic sources, and only 1% is respirable;

(3) Chemical composition analysis shows that the carbonaceous content of the particles is very neglible; and

(4) Modeling indicates that the level of background particulate concentration is 40-60 $\mu g/m^3$, that combustion sources contribute about 10 $\mu g/m^3$, and only about 16-20 $\mu g/m^3$ of the total monitored levels are 2.5 microns or less in diameter (the size the commenter thought could effect public health).

Based on these factors and citing legislative history from the Clean Air Act Amendments of 1977, the commenters urged EPA to exercise "administrative good sense." More specifically, the commenters believed EPA should apply its Fugitive Dust Policy to Pueblo, so that non-industrial emissions could be discounted and the Pueblo area could be designated "unclassifiable" under Section 107(d) of the Act. In addition the commenters challenged EPA's Fugitive Dust Policy on grounds that it should be applied to arid and semi-arid areas, instead of just rural areas.

Commenters also challenged EPA criteria for redesignating areas from nonattainment to unclassified.

Finally, one commenter requested that EPA conduct a public hearing prior to issuing a final rule.

Response to Comments

One of the major comments received urged EPA not to rely strictly on monitoring data, but to consider other factors. None of the commenters refuted the fact that monitoring data show violations of the particulate matter standard nor did not any commenter refute the validity of that data. Under Section 107 and 171(2) of the Clean Air Act, nonattainment designations are required if monitoring data, air quality modeling or other methods determined to be reliable by the Administrator show that the area does not meet a national primary ambient air quality standard.

Under the existing air quality standards for particulate matter (40 CFR 50.6), the level of concentration is based on *total* suspended particulates. The standard does not provide for discounting any portion of the measured concentrations based on size or substance of the matter. While EPA is

currently re-evaluating the particulate standard, as required by Section 108(c) and 109 of the Act, to determine if any revision is necessary, the results of the review and analysis, including any necessary revisions to the standard, have not yet been completed.

EPA recognizes that statements in the legislative history of the Clean Air Act encourage EPA to use "adminstrative good sense" in making particulate standard attainment status designations. Prior to receiving this congressional advice, EPA had already developed a Fugitive Dust Policy to stress control strategy development in accordance with the seriousness of a community's air pollution problem. Since passage of the 1977 amendments, the Fugitive Dust Policy has also been used by EPA to categorize nonattainment areas. *See* 43 FR 8963 (March 3, 1978). Briefly, the Fugitive Dust Policy recognizes that the environmental impact due to violations of the particulate standard is greater in urban than in rural area. In rural areas, airborne particulate matter is typically composed of native soil that is generally not exposed to contamination by industrial pollutants. In urban areas, on the other hand, native soil is often contaminated by a combination of industrial pollutants from a variety of sources making it potentially more harmful to human health.

For purposes of implementing the Fugitive Dust Policy, EPA determines whether an area should be considered "rural" by using the following criteria: (1) The absence of major industrial particulate emissions and (2) a low urbanized population (<50,000). Applying this policy to attainment status designations, nonindustrialized rural areas with measured violations of the particulate standard have been designated unclassified whereas urban or industrialized communities have been designated nonattainment. Pueblo has significant industrial emissions and has a population of 100,000, and therefore does not need either criterion for a designation as unclassifiable.

Some members of the public indicated that EPA's policy was overly conservative since it does not authorize unclassifiable designations in industrialized or urban areas if válid data exists showing particulate standard violations. Commenters urged EPA to consider evidence and testimony concerning the size and substance of the particles and the impact on public health when determining attainment status. EPA believes that the Fugitive Dust Policy, as well as the manner in which it is applied to 107 designations is reasonable and represents "administrative good sense." Limiting unclassified designations for particulate matter to nonurban, nonindustrialized areas may be a conservative approach, but it is also the safest and most reasonable approach from the public health standpoint given the information currently available.

In addition, EPA believes it would be inappropriate at this time to consider the size and substance of the particulate matter when making attainment status designation decisions for urban or industrialized areas since neither the existing particulate standard nor EPA policy allow discounting of measured concentrations on this basis. One of the major issues being analyzed as part of EPA's ongoing review of the particulate standard is what effect particles of various sizes and substance have on public health. Until the evaluation of the particulate standard is complete and unless the standard is revised to incorporate these types of considerations in promulgating this final rule, EPA connot rely on information such as that submitted by the State and other commenters regarding what they perceive to be the public health effects of particulate matter concentrations in the Pueblo area. For EPA to base a decision regarding the attainment status of the Pueblo areas on this type of information would necessitate prejudging the outcome of the standard evaluation. EPA does not have sufficient information or authority to make a decision on this basis.

Nonetheless, EPA has carefully reviewed the information presented at the State's hearing or submitted to EPA during the comment period regarding the size, substance, and health effects of particulate matter in the Pueblo area. EPA believes the evidence submitted does not adequately define the impact of industrial sources (particularly, the CF&I Steel Mill) on air quality or the public health. First, testimony given by physicians in the Pueblo area was based on their personal experience and observations—not on controlled studies. Therefore, no real conclusions can be drawn from their experience.

Second, a substantial amount of data was submitted concerning the size and substance of the particles. However, EPA only received the results of these analyses. In order to respond adequately to these comments, EPA believed it was appropriate to conduct an independent evaluation. Therefore, EPA obtained hi-vol filter samples for several days during 1979 and had them analyzed by a consultant who specializes in this type of analysis. Results of this analysis showed that a significant portion of the particles collected could be attributed to industrial sources. Steel mill emissions in themselves were sufficiently high in concentration, 157 $\mu g/m^3$, to cause an excursion of the secondary 24-hour standard on April 17, and were 126 $\mu g/m^3$ on May 7.

The sole purpose of this analytical effort was to get a better understanding of the validity of the evidence submitted by commenters, in order to respond adequately to the concerns raised. For reasons explained earlier in this notice, EPA is not considering the issue of particle size and substance in issuing today's final rule.

Several commenters questioned EPA's policy regarding redesignation from nonattainment to unclassified, particularly the requirement that the monitoring data used to establish the nonattainment designation be shown to be invalid. Commenters also questioned whether EPA was applying this policy consistently on a national basis. Commenters argued that EPA should also consider evidence regarding public health effects. EPA believes the existing policy is reasonable and, as explained above, areas such as Pueblo cannot be redesignated as unclassified absent a showing that the data are invalid. EPA also believes today's final action is consistent with action taken in other regions. Today's final rulemaking is based on the fact that EPA considers Pueblo to be an urbanized (urban populations greater than 100,000) and industrialized area, that monitoring data shows violations of the particulate standard, and that the data have not been shown to be invalid.

Commenters also requested that EPA conduct a public hearing prior to promulgating a final rule. Since the State held a public hearing on this issue and EPA also provided an opportunity for public comment, EPA does not believe another public hearing is necessary. In addition, the Clean Air Act does not require that a public hearing be held on Section 107 rulemaking actions.

Final Action

Because violations have been recorded in Pueblo, and because the Fugitive Dust Policy does not allow designation of the Pueblo area as unclassifiable, EPA is modifying the Governor of Colorado's request for redesignation of the Pueblo 3–C urbanized area and retaining the nonattainment designation for particulate matter.

EPA finds good cause for making today's action immediately effective since it merely maintains the status quo

and does not impose any additional burden on the State.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by filing a petition for review in the United States Court of Appeals for the Tenth Circuit by June 15, 1981. 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.

Under Executive Order 12291, EPA must decide whether a rule is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not major because it imposes no new regulatory requirements. It only maintains an existing air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action. Hence, it is unlikely to have an annual effect on the economy of $100 million dollars or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for inspection at the EPA Region VIII, Suite 103, 1860 Lincoln Street, Denver, Colo. 80295.

This notice of final rulemaking is issued under the authority of Sections 107 and 301 of the Clean Air Act as amended (42 U.S. 7407, 7601).

Dated: April 8, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-11381 Filed 4-14-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 261

[SWH-FRL 1804-2]

Hazardous Waste and Hazardous Waste Management; Availability of Information

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of information and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) has recently received two studies which examine the reproducibility of the Extraction Procedure (EP) described at 40 CFR Part 261 of the hazardous waste regulations. One of the studies was prepared by the Electric Power Research Institute (EPRI). The other was sponsored by the U.S. Department of Energy and the American Society for Testing and Materials (ASTM). Both studies, especially the EPRI study, are considered to be generally supportive of EPA's positions with respect to Extraction Procedure reproducibility. The purpose of this notice is to make the public aware of these studies and to solicit comments on the meaning and significance of their results.

DATES: Comments on these reports are due no later than June 15, 1981.

ADDRESSES: Comments should be directed to David Friedman, Manager, Waste Analysis Program, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: During the development of the 40 CFR Part 261 hazardous waste regulations, EPA and other organizations initiated several studies to obtain additional information on the standardized leaching procedure (i.e., Extraction Procedure) then being developed. Some of these studies have only recently been finalized and made available to the Agency and the public. The purpose of this notice is to announce the availability of two of these reports and to solicit comments on their meaning from the general public.

The first of the two reports is entitled *Final Report, Phase II Supplemental Leaching Program: Analysis of Selected Trace Metals in Leachate from Reference Fly Ash* and is the product of a joint undertaking between the U.S. Department of Energy and the American Society for Testing and Materials (ASTM). This report describes the results of an inter-laboratory testing program to isolate and measure the primary components of variability in the extraction procedures developed by ASTM and EPA for testing the leaching potential of solid wastes. Copies of the report are available from Dr. Larry P. Jackson, U.S. Department of Energy, Laramie Energy Technology Center, P.O. Box 3395, University Station, Laramie, WY 82071. The second report is entitled *Extraction Procedure and Utility Industry Solid Waste (EPRI EA-1667)* and is put out by the Electric Power Research Institute (EPRI). This report describes a study conducted for the EPRI to evaluate the reproducibility of the EPA Extraction Procedure and to assess the effects of modifying the procedure. Copies of the report are available from Dr. Ralph Perhac, Electric Power Research Institute, Post Office Box 10412, Palo Alto, CA 94303, (415) 855-2000.

Dated: April 8, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-11432 Filed 4-14-81; 8:45 am]

BILLING CODE 6560-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Requirements for a Health Maintenance Organization

AGENCY: Public Health Service, HHS.

ACTION: Status report on OMB review of HMO reporting and recordkeeping requirements; confirmation of effective date.

SUMMARY: This is a report on the status of the Office of Management and Budget's (OMB) review and approval of requirements at 42 CFR 110.108(c)(1) which the Department determined are subject to the Federal Reports Act of 1942. These requirements relate to the operation of federally qualified health maintenance organizations (HMOs) with respect to the disclosure of certain information by HMOs to members, potential members and employers.

DATES: 42 CFR 110.108(c)(1) is effective March 30, 1981. See Supplementary Information for details.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, 12420 Parklawn Drive, Park Building, Third Floor, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: On February 25, 1981, the Department gave notice at 46 FR 14015 that a status report would be made on OMB's review of the reporting and recordkeeping requirements at 42 CFR 110.108(c)(1). OMB has reviewed and approved these requirements. (OMB Approval No. 937-0093; expires April, 1983.)

The final rules (42 CFR 110.108(c)(1), (c)(2) and (s)), published in the **Federal Register** on January 21, 1981, were to become effective on February 20, 1981. Because of the President's January 29, 1981, directive to postpone pending regulations, the effective date had been delayed until March 30, 1981, (46 FR 14015-6). On March 30, 1981, therefore, 42 CFR 110.108(c)(1), (c)(2) and (s) as amended become effective.

Dated: March 27, 1981.

Charles Miller,

Acting Assistant Secretary for Health.

Approved: April 7, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-11371 Filed 4-14-81; 8:45 am]

BILLING CODE 4110-85-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1496]

Railroads Authorized To Divert Traffic Consigned to Corpus Christi Public Elevator Located at Corpus Christi, Texas

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1496, and notice of modified hearing procedure for extension beyond 30 days.

SUMMARY: This order authorizes any railroad holding a car loaded with grain consigned, reconsigned, or intended for unloading by the Corpus Christi Public Elevator at Corpus Christi, Texas, and which cannot be unloaded by this consignee because of the destruction of its elevator, may be reconsigned, diverted, or reshipped to any other grain elevator in the United States which is located on the Gulf of Mexico, and establishes a modified hearing procedure to consider extension of the order beyond its initial 30-day period.

Under 49 U.S.C. 11123(a) the Commission may issue a service order for up to 30 days when it finds that a "failure in traffic movement exists which creates an *emergency situation of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States,"* (italics added). Extension of the order requires that the full Commission, after a hearing, certify the continued existence of the emergency.

DATE: This order shall become effective at 12:01 a.m. on April 9, 1981, and shall remain in effect for 30 days unless otherwise modified, amended, or vacated by order of this Commission.

COMMENT DATE: Any interested party may file statements providing information and argument relating to the necessity and appropriateness of continuing this order in effect beyond the initial 30-day period by filing an original and 5 copies of a statement in affidavit form by April 17, 1981. Rebuttal statements in affidavit form (original and 5 copies) may be filed by April 24, 1981.

ADDRESS: All filings should be addressed to Joel E. Burns, Chairman, Railroad Service Board, Interstate Commerce Commission, Room 7115, Washington, D.C. 20423; and in the lower left hand corner in large letters, should have printed RSB-7115.

Interested parties wishing to review the docket file may do so in Room 7225 of the Commission in Washington, D.C.

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

SUPPLEMENTAL INFORMATION:

Decision

Section 226 of the Staggers Rail Act of 1980 (Pub. L. 96-448) revised 49 U.S.C. 11123(a) by limiting the Commission's authority to act in emergency situations to those where it finds that a "failure in traffic movement exists which creates an emergency situation of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States." The initial period for the service order may not exceed 30 days and the order may be extended only after the full Commission, after a hearing, certifies the continued existence of the transportation emergency. This initial issuance contains the notice of the modified hearing procedures (set forth in Comment Dates) to be followed with respect to any extension of the order.

It is the opinion of the Commission that the statutory criteria of Section 11123(a) for the issuance of a service order has been met, and more particularly that:

On April 7, 1981, Corpus Christi Public Elevator, located at Corpus Christi, Texas, was destroyed by an explosion and fire. Approximately one-hundred (100) carloads of grain were on hand or in transit for unloading by this elevator at the time of its destruction. Rebuilding of the elevator cannot be accomplished within a reasonable time. Other arrangements for the unloading of these cars will require diversion and reconsignment of many of them in a manner prohibited by the applicable tariffs.

It is the opinion of the Commission that this emergency situation requires that such diversions and reconsignments are necessary in the public interest to enable the prompt unloading of these cars and their continued use in transportation service and to enable the fullfillment of export grain commitments; that a failure in traffic movement exists which creates an emergency situation of such magnitude as to have substantial adverse effects on rail service in a substantial region of the United States; that prior notice of this action and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, that

§ 1033.1496 Service Order No. 1496.

(a) *Railroads authorized to divert traffic consigned to Corpus Christi Public Elevator located at Corpus Christi, Texas.* Any railroad holding a car loaded with grain consigned, reconsigned, or intended for unloading by the Corpus Christi Public Elevator located at Corpus Christi, Texas, which originated on or before April 9, 1981, and which cannot be unloaded by Corpus Christi Public Elevator because of the destruction of its grain elevator, may be reconsigned, diverted, or reshipped to any other grain elevator in the United States which is located on the Gulf of Mexico. In the application of this section, grain elevators located on the lower Mississippi River from Port Allen, Louisiana, to the mouth of the river and grain elevators located on the Houston, Texas, ship channel shall be deemed to be located on the Gulf of Mexico.

(b) *Reconsignment and diversions charges.* Carloads of grain reconsigned, diverted, or reshipped under the provisions of this order shall not be subject to reconsignment or diversion charges provided in the applicable tariffs.

(c) *Rates.* The rates applicable to carloads of grain reconsigned, diverted, or reshipped under the provisions of this order shall be the rates that would have been applicable on the shipments at the time of shipment had they been originally destined to the point to which reconsigned, diverted, or reshipped. When the applicable tariffs provide routes from origin to the new destination via the line and the point at which the car is held, such routes must be utilized for the rerouting, diversion, or reshipment. When no such route exists, any available route may be used. In the application of this section, cars which have arrived at Corpus Christi, Texas, and which are located on a line performing only terminal or intermediate switching service shall be considered as being held by the inbound line-haul carrier.

(d) *Divisions of Revenues.* In executing the directions of the Commission provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the

divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Waybills to be endorsed.* Waybills authorizing movement of cars reconsigned, diverted, or reshipped under this order shall be endorsed as follows: "(Reconsigned) (Diverted) (Reshipped) authority ICC Service Order No. 1496."

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

(g) *Effective date.* This order shall become effective at 12:01 a.m., April 9, 1981.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 9, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under authority of 49 U.S.C. 10304, 10305, and 11123(a), and 49 CFR 1011.6(c)(6).

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.

Decided: April 8, 1981.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11369 Filed 4-14-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 72
Wednesday, April 15, 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

Agricultural Marketing Service

7 CFR Part 29

U.S. Type 32—Maryland Broadleaf Tobacco; Sales of Maryland Tobacco in Untied Form

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: It is proposed that during the 1981 and succeeding Maryland tobacco marketing seasons that the Official Standard Grades for Maryland Tobacco, U.S. Type 32 (grown and marketed primarily in that State with small quantities grown in Virginia and North Carolina but not customarily marketed in Maryland) be amended to permit Maryland tobacco, heretofore eligible for all official grades only when marketed tied-in-hands, to be also eligible for all official grades when marketed untied in unlimited quantities on all sales days during the Maryland marketing season.

DATES: Comments due on or before April 30, 1981.

ADDRESSES: Send comments in duplicate to T. A. VonGarlem, Director, Tobacco Division, AMS, USDA, Room 502 Annex Building, Washington, D.C. 20250. Comments will be available for public inspection at this location during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: T. A. VonGarlem, Director, Tobacco Division, AMS, USDA, Washington, D.C. 20250 (202) 447-2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is considering a modification of the Official Standard Grades for Maryland Broadleaf Tobacco, U.S. Type 32, pursuant to the authority contained in the Tobacco Inspection Act of 1935 (49 Stat. 731; U.S.C. 511 *et. seq.*)

Customarily, Maryland tobacco has been marketed in hand-tied bundles and there is a relatively higher percentage of the labor used for market preparation than is used in harvesting the crop. Mechanical harvesting has not progressed as rapidly in air-cured types as it has in flue-cured types because of a stalk-cured rather than leaf-cured product.

Loose leaf sales of Maryland tobacco offer potential cost savings to farmers. Without innovations in the market preparation process, less efficient producers could be forced out of tobacco production based strictly on the nonavailability of low-cost labor supply. An experimental program, allowing producers to market their tobacco in 1 × 2 × 3 feet bales, conducted in the burley producing region during the last 3 years has a far-reaching effect on sentiments of producers in Maryland. Burley and Maryland tobaccos are companion types because of the similarities in the curing and marketing processes.

Based on requests from the Maryland tobacco industry, the Department proposes that Federal graders apply official grades to unlimited quantities of untied Maryland tobacco packed straight on sheets or baskets or in 1 × 2 × 3 feet bales and offered for sale at auction centers throughout the entire Maryland production area.

Section 29.3280 of the regulations requires graders to apply a grade of No-G to any lot of tobacco which is nested, needs rework, off type, semi-cured; tobacco that is damaged 20 percent or more abnormally dirty, or extremely wet or watered; or tobacco that contains foreign matter or has an odor foreign to the type. This definition would remain unchanged.

Section 29.3287 of the regulations currently defines "rework" as "Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market."

In order to provide an improved method of marketing for Maryland producers, the Department proposes that the definition of "rework" in Section 29.3287 be amended to read as follows: "Any lot of tobacco which is (a) so mixed that it cannot be classified properly in any grade of the type because the lot contains a substantial quantity of two or more distinctly different grades; and (b) not packed straight or otherwise not properly prepared for market."

The effect of this new definition would be to no longer require Maryland tobacco to be marketed "in the manner which is customary for the area type", and that the tobacco no longer be tied in hands. Tobacco which "contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves" would continue to be graded as No-G under the definition contained in Section 29.3280.

Under this new definition, in order for a lot of tobacco to have an official standard grade applied it must be properly sorted so the lot does not contain a substantial quantity of two or more distinctly different grades, must be packed straight in a circle approximately 45 inches in diameter on a basket, or in a burlap sheet, with the stems pointed outward, or in approximately 1 × 2 × 3 feet bales.

This proposed rule has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant", therefore, not a major rule. Initial review of the regulations contained in 7 CFR, Part 29, for need, currency, clarity, and effectiveness will be made within the next 5 years.

Additionally, consideration has been given to the potential economic impact upon small businesses. Tobacco warehousemen and producers fall within the confines of "small businesses", as defined in the Regulatory Flexibility Act. All factors considered, it has been determined that the economic impact upon these entities by the proposal to amend the regulations for Maryland tobacco would be favorable and, thus, pose no onerous burdens.

T. A. VonGarlem, Director, Tobacco Division, AMS, has determined that an emergency situation exists which

warrants less than a 60-day comment period on this proposal because producers need to know as soon as possible to make plans on how they intend to market their tobacco. Maryland auctions began operation on March 31, 1981.

Section 29.3287 of the regulations is proposed to be revised as follows:

§ 29.3287 Rework.

Any lot of tobacco which is (a) so mixed that it cannot be classified properly in any grade of the type because the lot contains a substantial quantity of two or more distinctly different grades; and (b) not packed straight or otherwise not properly prepared for market.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-11370 Filed 4-14-81; 8:45 am]

BILLING CODE 3410-02-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 721, 723, and 724

Federal Credit Union Insurance and Group Purchasing Activities; Incidental Powers

AGENCY: National Credit Union Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: After an extensive examination of the options available the NCUA Board has proposed to substantially revise the regulation governing Federal credit union insurance and group purchasing activities. The revised regulation enables credit unions to retain and develop their commitment to the economic wellbeing of their membership.

DATES: Comments must be received by June 1, 1981.

ADDRESS: Interested parties may obtain copies of the Preliminary Review Memorandum, cited below, upon request. They are also invited to submit written data, views or comments regarding the proposed rule to Robert S. Monheit, Regulatory Development Coordinator, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Daniel Gordon, Financial Economist, at (202) 357-1090, Office of Policy Analysis, National Credit Union Administration.

SUPPLEMENTARY INFORMATION: The National Credit Union Administration, after extensive examination of the options available ("Preliminary Review Memorandum for Evaluating Alternative Approaches to a Proposed Rule for Federal Credit Union Insurance and Group Purchasing Activities," March 26, 1981) proposes to substantially revise the regulation governing Federal credit union activities with regard to insurance and group purchasing plans.

For many decades, people have looked to their credit unions for advice and guidance in matters affecting their economic wellbeing. such matters have included how to select insurance of varying types, automobiles, and household durable goods of all kinds. It is even reported that during the economic depression of the 1930's, many credit unions assisted their members in obtaining coal at low cost to heat their homes.

This aspect of a credit union's operations has come to be referred to as member education, and the importance of it to credit unions is attested to by Roy Bergengren. In his book *Credit Unions in North America,* he defines a credit union as:

> * * * a school wherein members are educated in the management and control of their own money.

He says further that:

> If I am ignorant about the fundamental factors which govern me in every economic relationship in which I am involved * * * then I will live in ignorance and error, an easy prey to every better informed person who would exploit my lack of knowledge.

And links member education directly to member service:

> The Credit Union seeks to reach all of its members eventually with a plan of economic education which will enable the member to orient himself to the extraordinary difficulties incidental to a rapidly changing economic life.

It is in this context that the proposed regulation has been developed. It is specifically intended to involve credit unions in investigating products and services and making recommendations to their members. The investigations are expected to be thorough and accurate, and part of an overall program of member education. For this reason, if a credit union chooses to endorse products or services, the investigation reports are required to be available to its members and must be documented in the credit union's files.

A Federal credit union must recognize that if it chooses to endorse a product or service it may expose itself to potential product liability. Some courts have held that an injured person may have a cause of action for negligent misrepresentation not only against a manufacturer or seller, but also against an agent or endorser. Therefore, the manner in which the investigation of a product or service is conducted and/or the selection of a third party to perform such an investigation should be carefully considered. Credit unions should also recognize that under the FTC Holder in Due Course Rule a Federal credit union as creditor may face liability for any failure on the part of the vendor to live up to its agreements or warranties concerning the product or service. This could necessitate the Federal credit union having to return to the member all principal and interest paid on the loan.

As part of the member education function, the proposed regulation would allow credit unions to engage in ministerial duties if the product or service has been endorsed by the credit union. However, it is not the intent of the NCUA Board to preempt state insurance laws that might otherwise control or limit this activity. This in no way would reduce a credit union's responsibility to evaluate the merits of various insurance programs and recommend to members those which best suit their needs and income limitations.

Lastly, to assure the greatest degree of objectivity, the NCUA Board proposes to allow a credit union to accept reimbursement for the costs associated with investigating, endorsing, and providing information and assistance to members, only to the extent of its costs associated with this activity.

In the view of the NCUA Board the major distinguishing feature of credit unions, the feature which truly sets them apart from all other financial institutions, is their traditional commitment to member education and economic wellbeing. The proposed regulation is intended to enable credit unions to retain and develop this commitment. In an increasingly competitive and unstable financial environment, member awareness of this commitment through effective product and service information programs will contribute to the long-term wellbeing of credit unions.

The proposed regulation expands the flexibility of operations for Federal credit unions without placing any significant burdens on these operations. Any costs associated with the requirements imposed by this proposed rule may be reimbursed to the credit union. Therefore, this requirement will not have a significant economic impact. The NCUA Board certifies that this revision will not have a significant economic impact upon a substantial number of small credit unions. Thus, the

conditions which would require a regulatory flexibility analysis, as specified in the Regulatory Flexibility Act, do not exist (5 U.S.C. Sec. 605(b)) and no such analysis has been performed.

1. It is proposed that a new Part 721 be adopted as set forth below:

PART 721—GROUP PURCHASING AND INSURANCE ACTIVITIES

Sec.
721.1 Endorsement and investigation.
721.2 Endorsement of insurance plans.
721.3 Membership lists.
721.4 Board of Director approval.
721.5 Reimbursement.

Authority: Sec. 107(15), 94 Stat. 132 (12 U.S.C. 1757(15)), Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).

§ 721.1 Endorsement and investigation.

A Federal credit union is permitted to engage in the activity of passing informational material relating to insurance and group purchasing activities to its membership and endorse a product or service. A credit union will be presumed to be only passing along information if it issues a disclaimer indicating the credit union expresses no opinion as to the value or quality of the service or product. If no disclaimer is issued, the activity is an endorsement and will require a prior investigation of the product or service by the credit union. The credit union board may conduct the investigation itself or use the services of a credit union league or an independent third party. The investigation must include the relative merits and different costs of like products or services and conclude that the endorsed product or service is deemed preferable from the standpoint of member economic wellbeing. The results of the investigation must be documented by the credit union in writing, retained in the credit union files and must be available upon request to the members of the credit union.

§ 721.1 Endorsement of insurance plans.

Where a Federal credit union has endorsed an insurance plan, it is permitted to perform ministerial duties associated with the members' insurance coverage. This section is not intended to preempt otherwise applicable state insurance laws.

§ 721.3 Membership lists.

A Federal credit union which has endorsed an insurance plan or a group purchasing product or service may make any lists of its membership available and/or provide addresses of its members to the relevant vendor offering this plan provided that the credit union has received prior approval from every member who is included in such a list. Such approval shall expire within 1 year from the receipt by the credit union. A credit union member may, by written request to the credit union, withdraw such approval prior to such expiration period.

§ 721.4 Board of Director approval.

The board of directors of the Federal credit union must consider and vote its approval of any activity engaged in under this Part at a board meeting.

§ 721.5 Reimbursement.

A Federal credit union may be reimbursed only for costs associated with the group purchasing or insurance activity or providing a membership list. No direct or indirect payments or benefits shall accrue to an officer, director, employee, or any of their immediate family, in connection with the group purchasing or insurance activity.

§ 721.3 [Redesignated as Part 723]

2. It is proposed that the existing § 721.3 be redesignated as Part 723 and that the existing paragraphs 721.3 (a) through (d) be redesignated as §§ 723.1 through 723.4, as set forth below:

PART 723—OPERATIONAL SYSTEMS

Sec.
723.1 Submission of pilot programs.
723.2 Designation of pilot programs.
723.3 Designation of pilot credit unions.
723.4 Termination of pilot programs.

Authority: Sec. 107(15), 94 Stat. 132 (12 U.S.C. 1757(15)), Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).

§ 721.4 [Redesignated as Part 724]

3. It is proposed that the existing § 721.4 be redesignated as Part 724 and the existing paragraphs 721.4 (a) and (d) be redesignated as §§ 724.1 and 724.2, as set forth below:

PART 724—TRUSTEES AND CUSTODIANS OF PENSION PLANS

Sec.
724.1 Federal credit unions acting as trustees and custodians of pension plans.
724.2 Appointment of successor trustee or custodian.

Authority: Sec. 107(15), 94 Stat. 132 (12 U.S.C. 1757(15)), Sec. 120, 73 Stat. 635 (12 U.S.C. 1766), and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).

Beatrix Fields,

Acting Secretary of the Board.

April 9, 1981.

[FR Doc. 81-11279 Filed 4-14-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Alabama-1)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions that present extraordinary risks or costs. Under Section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas subject to an incentive price (18 CFR 271.703). The rule establishes procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking contains the recommendation of the State Oil and Gas Board of Alabama that the Basal Pennsylvanian Sand Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on May 11, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on April 24, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307 or John Bassett/Ting Chin, (202) 357-8589/8595.

SUPPLEMENTARY INFORMATION:

Issued April 9, 1981.

I. Background

On March 25, 1981, the State Oil and Gas Board of Alabama (Alabama) submitted to the Commission a recommendation in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Basal Pennsylvanian Sand Formation in Jefferson, Walker, and Tuscaloosa Counties, Alabama, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the

regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Alabama's recommendation that the Basal Pennsylvanian Sand Formation be designated a tight formation should be adopted. Alabama's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Alabama recommends that the basal sandstones of the Pottsville series beneath the Black Creek coal seam of the Pennsylvanian period (referred to as the "Basal Pennsylvanian Sand Formation") found in Townships 14, 15 and 16 South, Ranges 2, 3, and 4 West and Townships 15, 16, 17, and 18 South, Ranges 5, 6, and 7 West in Jefferson, Walker, and Tuscaloosa Counties, Alabama, be designated as a tight formation.

The top of the recommended formation lies below the Black Creek coal seam and extends to the base of the Pennsylvanian series. The Basal Pennsylvanian Sand Formation is identified in the Calhoun-Tutwiler Mead 12-8 well commencing at 700 feet and extending to a depth of 1970 feet. The sands in the formation are massive and vary in thickness from 300 feet to over 600 feet.

III. Discussion of Recommendation

Alabama claims in its submission that evidence gathered and presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Alabama further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are, or are expected to be, used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Alabama that the Basal Pennsylvanian Sand Formation, as described and delineated in Alabama's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 11, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Alabama—1), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than April 24, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Alabama's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (46) to read as follows:

§ 271.703 Tight Formations.

* * * * *

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

* * * * *

(25) through (45) [Reserved].

(46) *Basal Pennsylvanian Sand Formation in Alabama.* RM79-76 (Alabama—1).

(i) *Delineation of Formation.* The Basal Pennsylvaniean Sand Formation is found in Townships 14, 15 and 16 South, Ranges 2, 3, and 4 West and Townships 15, 16, 17, and 18 South, Ranges 5, 6, and 7 West in Jefferson, Walker, and Tuscaloosa Counties, Alabama.

(ii) *Depth.* The Basal Pennsylvanian Sand Formation is a series of massive sands 300 feet to 600 feet thick extending from the base of the Black Creek coal seam, the lowest commercial coal seam in the area, to the base of the Pennsylvanian series.

[FR Doc. 81-11392 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-1797-3]

Standards of Performance for New Stationary Sources: Stationary Gas Turbines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed revision of standard.

SUMMARY: On September 10, 1979, EPA promulgated a new source performance standard (NSPS) limiting atmospheric emissions of NO_x from stationary gas turbines (44 FR 52792). On December 11, 1980, EPA published a notice (45 FR 81653) responding to issues raised by Dow Chemical Company, PPG Industries, Inc., and Diamond Shamrock Corporation (Dow, et al.) pertaining to turbines employed for industrial power generation. On January 12, 1981, Dow et al. provided comments on EPA's December notice, stating in part that EPA failed to consider the higher capacity factor required by industrial turbines. The Agency has reviewed these comments and on this basis concludes that further evaluation of the use of and demands on gas turbines in industrial applications is reasonable. Today's notice, therefore, proposes to rescind the NO_x emission limit for large gas turbines used in industrial service.

DATE: *Comments.* Comments must be received on or before May 15, 1981.

Public Hearing: A public hearing will be held if requested. Persons wishing to request a public hearing must contact EPA by April 29, 1981. If a hearing is requested, an announcement of the date and place will appear in a separate **Federal Register** notice.

ADDRESS: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket No. A-81-10, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Public Hearing: Persons wishing to request a public hearing should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5571.

Docket: A docket, number A-81-10, containing information used by EPA in development of the proposed revision, is available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5571.

SUPPLEMENTARY INFORMATION:

Background

On October 3, 1977, pursuant to Section 111 of the Clean Air Act, EPA proposed standards of performance to limit emissions of nitrogen oxides (NO_x) and sulfur dioxide (SO_2) from new, modified, and reconstructed stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (about 1,000 horsepower) (42 FR 53782). The Administrator published the final standards in the **Federal Register** on September 10, 1979 (44 FR 52792).

Dow et al. petitioned the Administrator to revise the standards. They also filed a petition for judicial review of the standards in the United States Court of Appeals for the District of Columbia Circuit, Dow Chemical Co. et al. v. EPA, No. 79-2334. On December 5, 1980, the Administrator issued a response denying the request to revise the standard (published December 11, 1980, at 45 FR 81653). Dow et al. on January 12, 1981, submitted further comments on the Agency's action, contending in part that the Agency failed to recognize the high capacity factors and long-term continuous operating requirements of industrial gas turbines. The Administrator has reviewed this latest submittal and agrees that further assessment of this matter is appropriate. The Administrator continues to believe, as described in the December 5, 1980, notice, that there is ample evidence demonstrating the capability of wet control systems on utility turbines which operate intermittently (i.e., scheduled downtime occurs at least as frequently as twice a year) and that this demonstration and engineering evaluation supports the conclusion that wet control systems are also applicable to industrial turbines which operate in a similar manner. However, in view of Dow et al. claims that high capacity factors and onstream times of one year or more between internal inspections are required in industrial applications, the Administrator concludes that further assessment of this matter is appropriate. Whereas a utility turbine may often shut down as power demand lessens or at least may shut down several times a year for inspection or maintenance by shifting load to other generating units on the grid, it is claimed that industrial turbines cannot do so without unacceptable economic consequence. Accordingly, the Admininstrator proposes to rescind the NO_x emission limit for large (greater than 10,000 HP) turbines in industrial use (i.e., not selling more than one-third of the turbine's rated electrical output capacity to any utility power distribution system). EPA will continue to assess the maintenance experience of utility turbines and will further assess industrial capacity factor requirements currently associated with turbines not using water injection. Depending on these assessments, EPA may in the future propose an NO_x emission limit for large turbines in industrial use.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 et seq. is not required for this rulemaking, because the rulemaking would not have a significant impact on a substantial number of small entities. The rulemaking would not impose any new requirements; on the contrary, it would reduce the cost of compliance with the NSPS. It is also, therefore, classified as non-major under Executive Order 12291.

Comments on this proposed action are invited.

Dated: April 10, 1981.

Walter C. Barber,

Acting Administrator.

For the reasons set out in the preamble it is proposed to revise Part 60 of Chapter I, Title 40, Subpart GG, Code of Federal Regulations as follows.

1. In § 60.331, paragraph (q) is added to read as follow

§ 60.331 Definitions.

* * * * *

(q) "Electric utility stationary gas turbine" means any stationary gas turbine constructed for the purpose of supplying more than one-third of its potential electric output capacity to any utility power distribution system for sale.

2. Section 60.332 is amended by revising paragraph (a) and adding paragraph (j) to read as follows:

§ 60.332 Standard for nitrogen oxides.

(a) On and after the date on which the performance test required by § 60.8 is completed, every owner or operator subject to the provisions of this subpart, as specified in paragraphs (b), (c) and (d) of this section, shall comply with one of the following, except as provided in paragraphs (e), (f), (g), (h), (i) and (j) of this section.

* * * * *

(j) Stationary gas turbines with a neat input at peak load greater than 107.2 gigajoules per hour (100 million BTU/hour) based on the lower heating value of the fuel are exempt from paragraph (a) of this section. This paragraph does not apply to electric utility stationary gas turbines or stationary gas turbines employed in oil/gas production or oil/gas transportation not located in a metropolitan statistical area.

[FR Doc. 81-11400 Filed 4-14-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-233; RM-3702]

FM Broadcast Station in Bay City, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 221A to Bay City, Texas, in response to a petition filed by Nathan Blum. This action also proposes the reassignment of Channel 245 from Bay City, Texas, to El Campo, Texas, to reflect its actual usage in El Campo.

DATES: Comments are due on or before July 1, 1981, and reply comments are due on or before June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 1, 1981.

Released: April 13, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a petition for rule making,[1] filed by Nathan Blum (petitioner) proposing the assignment of FM Channel 221A to Bay City, Texas, as that community's second FM assignment.[2] The channel can be assigned in compliance with the minimum distance separation requirements (but see paragraph 3, *infra*), and petitioner states that he will file an application for the use of Channel 221A in Bay City, if assigned. Charles A. Cervantes, President of Commerce Broadcasting Inc., also indicated an interest in applying for the channel if assigned to Bay City.

2. Bay City (population 11,733),[3] the seat of Matagorda County (population 27,913), is located approximately 104 kilometers (65 miles) southwest of Houston, Texas. Bay City is served locally by daytime only AM Station KIOX. In support of its proposal seeking a first local FM station in Bay City, petitioner states that Bay City is a community of substantial size in its own right and is not a part of any metropolitan area. According to petitioner, Bay City is located in an agricultural region which produces rice, cattle, soybeans and cotton. Major employers in Bay City include the Celanese Corporation, Phillips Petroleum Company and Amoco Production Company.

3. Comments opposing the petition were filed by Southern Broadcasting Company ("Southern"), licensee of Station KYND (Channel 223) at Pasadena, Texas. Southern asserts that due to the construction of several tall buildings adjacent to its present transmitter site in downtown Houston, it will be forced to relocate its transmitter to prevent serious degradation of its signal. According to Southern, the search for alternative antenna sites has been extremely difficult. Southern contends that a suitable site has been found which is approximately 24 kilometers (15 miles) southwest of the station's present transmitter site.[4] However, from the new transmitter site, the Bay City assignment would be short-spaced by 26.7 kilometers (16.7 miles). Southern suggests that this potential conflict should be resolved in favor of its proposed move, which, if not allowed, would cause Station KYND "no alternative but to transmit from a site where building obstruction renders the station's signal all but unusuable, resulting in the kind of deprivation of established broadcast service that the Commission and the courts have condemned repeatedly." Southern avers that accommodation of Station KYND and its service to Pasadena, a community of over 100,000 people, should take precedence over a new assignment for a community with a population of less than 12,000.

4. In response to the comments of Southern, petitioner lists three reasons why the Commission should proceed with the proposed assignment by issuing a *Notice of Proposed Rule Making*. First, petitioner asserts that the proposed assignment is currently in full accord with Commission technical requirements. Second, petitioner states that the *Notice* might elicit information about other possible Class A assignments for Bay City. Third, petitioner contends that Pasadena is an integral part of Houston which has over 30 aural broadcast services. Further, according to petitioner, Southern has presented no documentation to support its assertions that the new transmitter site is the only feasible site available to it, nor is there any evidence that the new construction in downtown Houston will preclude Station KYND from providing a predicted city grade signal over its city of license, Pasadena. Petitioner notes that the proposed new transmitter site is generally in a direction away from Pasadena. Petitioner opines that Southern's only real claim is that without the Transmitter move, Station KYND would be precluded from joining other FM stations in moving to a transmitter location that would enable it to provide superior coverage of the Houston metropolitan area. Petitioner concludes that specific information regarding the effect of the construction in downtown Houston on the ability of Station KYND to serve Pasadena, and the availability of other alternative sites, should be submitted by Southern before the Commission acts on the requested Bay City assignment.

5. The Commission agrees with petitioner that the evidence presented by Southern is not of sufficient weight to justify outright denial of the petition. Petitioner has submitted information which establishes Bay City's need for its first local FM service. In response, Southern has submitted evidence of its preference to join the other Houston-area stations at a common transmitter site southwest of the city. In the past, a site preference of an existing station has not been sufficient justification to deny a new first assignment in another city. *See, e.g., Lockhart, Texas*, 81 FCC 2d 171 (1980). Thus, in response to this *Notice*, Southern should present specific information concerning the degree of signal degradation that it expects will occur if it remains at its present location. In this regard, we note that Southern is currently licensed to serve Pasadena and we have no evidence at this point which would indicate that the required signal strength could not be provided to Pasadena. Therefore, Southern should submit evidence that its existing transmitter site is unusable for purposes of serving its city of license, and that a search has been made to secure alternative sites which would not cause short-spacing to the proposed Bay City assignment. Conversely, if petitioner has information relating to possible relocation sites for Station KYND, that information should likewise be submitted.[5] However, we wish to make it clear that the burden of proving its case is on Southern, and general statements unsupported by technical evidence will not meet this burden.[6]

6. In addition to proposing the assignment of Channel 221A to Bay City, we are proposing the reassignment of Channel 245 from Bay City to El Campo, Texas, to reflect its actual usage there.

7. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the

[1] *Public Notice* of the petition was given July 7, 1980, Report No. 1238.

[2] Channel 245, assigned to Bay City, is licensed to Station KULP-FM, El Campo, Texas.

[3] Population figures are taken from the 1970 U.S. Census.

[4] Altogether, ten Class C FM stations licensed to Houston and its suburbs have been similarly affected by the new construction in downtown Houston. These ten stations have submitted applications with the Commission to move their transmitters to a common location southwest of the city. According to the affected stations, this location meets FAA height restrictions while providing adequate signals to their service areas.

[5] We note, in this regard, that Station KHCB-FM (Channel 289) and two other downtown Houston Stations (KRLY, Channel 229 and KQUE, Channel 275) have not applied to relocate in order to adequately serve Houston. Southern should indicate how the circumstances of its station differ from these three stations.

[6] This same issue also affects recent assignments made by the Commission in Lockhart and Freeport, Texas. (Dockets 79-256 and 21513, respectively). Petitions for reconsideration have been filed in those proceedings. In those proceedings, *Requests for Supplemental Information* are being issued seeking the same type of specific information which is requested of Southern in this rule making.

Commission's Rules, with respect to the listed communities as follows:

City	Channel No.	
	Present	Proposed
Bay City Texas	245	221A
El Campo, Texas		245

8. The Commission's authority to institute rule making proceedings showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

10. Interested parties may file comments on or before June 1 1981, and reply comments must be filed on or before June 22, 1981.

11. It is ordered, That the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Notice* to Southern Broadcasting Company, P.O. Box 5176, Winston-Salem, N.C., 27103, and its counsel, John G. Johnson, Jr., Jorgensen, Johnson and Northrup, 1926 I Street, N.W., Washington, D.C. 20006.

12. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by pattern to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-11417 filed 4-14-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No 81-234; RM-3744, RM-3774]

FM Broadcast Stations Beaumont, Lake Jackson and Port Lavaca, Texas; Proposed changes in Table of Assignments and Order To Show Cause

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the substitution of FM Channel 300 for FM Channel 299 at Beaumont, Texas; the substitution of FM Channel 298 for FM Channel 297 at Lake Jackson, Texas; and the substitution of FM Channel 227 or FM Channel 296A for FM Channel 240A at Port Lavaca, Texas. The licensees of Stations KWIC, Beaumont, Texas; KGOL, Lake Jackson, Texas; and KGUL-FM, Port Lavaca, Texas, are ordered to show cause why their licenses should not be modified. These actions are taken in response to petitions filed by KAUM, Inc. and KIKK, Inc.

DATES: Comments must be filed on or before June 1, 1981, and reply comments on or before June 22, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 1, 1981.

Released: April 13, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a Petition for Rule Making and for Orders to Show Cause, filed by KAUM, Inc., licensee of Station KSRR(FM), Houston, Texas ("KSRR"), proposing the substitution of FM Channel 300 for FM Channel 299 at Beaumont, Texas, and the substitution of FM Channel 298 for FM Channel 297 in Lake Jackson, Texas.[1] The petition also seeks the license modification of FM Station KWIC (Channel 299) in Beaumont and FM Station KGOL (Channel 297) in Lake Jackson to specify operation on the substituted channels. A second Petition for Rule Making and for Order to Show Cause, filed by KIKK,

[1] Public Notice of the petition was given on September 19, 1980, Report No. 1248.

Inc., licensee of Station KIKK-FM, Houston, Texas ("KIKK"), proposes the substitution of FM Channel 296A for FM Channel 240A at Port Lavaca, Texas, and modification of the license of Station KGUL-FM, Port Lavaca, Texas, to specify operation on Channel 296A.[2] Because Channel 296A cannot be assigned to Port Lavaca unless the channel substitutions in Beaumont and Lake Jackson are made, these two petitions will be considered together.

2. KSRR and KIKK are two of ten Houston-area FM stations who have applied to the Commission to move their present transmitters from a site in downtown Houston to a site approximately 24 kilometers (15 miles) southwest of the city. According to KSRR and KIKK, this move is necessary because highrise construction adjacent to the stations' present transmitter site will cause serious signal deterioration which will result in inferior service to the Houston listening area. The new transmitter site was chosen because a tall tower accommodating all 10 stations' transmitters could be constructed there with the FAA's approval. However, if KSRR moves to the proposed new site, its station would be short-spaced to Station KWIC in Beaumont and Station KGOL in Lake Jackson. Similarly, KIKK's move to the common transmitter site would result in short-spacing with Station KGUL-FM at Port Lavaca, Texas. KSRR and KIKK are proposing these channel substitutions, therefore, in order to remove the short-spacing conflicts.

3. In its petition, KSRR states that the channel changes requested in Beaumont and Lake Jackson should entail no disruption of service either to the public or the licensees of the affected stations. KSRR also agrees to reimburse the Beaumont and Lake Jackson licensees for any costs reasonably associated with the requested channel substitutions. KSRR add that the requested channel changes will benefit the public interest in several ways. First, it allows KSRR to participate in the establishment of a Houston station "antenna form" which will leave the FM stations in the Houston market area on an equal competitive basis from a technical standpoint. Second KSRR asserts that the change in channels in Beaumont and Lake Jackson will create additional assignment possibilities in other markets. For instance, KSRR states that Channel 296A could be assigned both to Port Lavaca, and to Lake Charles, Louisiana. Also, Channel 297 would be available for assignment in the Lufkin, Texas, area, and Channel 298 would be available in the Abbeville, Louisiana, area.

4. Turner Broadcasting Corporation, licensee of Station KBUC-FM, San Antonio, Texas ("Turner"), filed comments opposing the requested channel substitutions. Turner states that it is considering improving its present service by building a tall antenna tower at a site southeast of San Antonio. According to Turner, this site meets the distance separation requirements with Channel 297 at Lake Jackson. However, the site would not meet the separation requirements if Channel 298 were substituted for Channel 297 at Lake Jackson.[3] Turner suggests that the site southeast of San Antonio is the only area likely to receive aeronautical approval for a tall tower. Therefore, if the channel substitution is made in Lake Jackson, KBUC-FM would be precluded from making its planned improvement in service. In response to Turner's opposition, KSRR states that Turner has not demonstrated that no other sites are available from which KBUC-FM could improve its coverage of San Antonio and still comply with the mileage separation requirements. KSRR opines that Turner's objection is based solely on vague and insubstantial considerations of private convenience.

5. In support of its request to substitute Channel 296A for Channel 240A at Port Lavaca, KIKK states that it will reimburse Station KGUL-FM, Port Lavaca, for its reasonable costs in making the changes necessary to operate on the new frequency. KIKK asserts that the channel substitution would make Channel 240A available for assignment to either Victoria or Bloomington, Texas. A response to KIKK's petition was submitted by Calhoun County Broadcasting, Inc., licensee of Station KGUL-FM, Port Lavaca ("KGUL"). KGUL states that it appreciates the problems being encountered in KIKK's proposed transmitter relocation and therefore wishes to be as accommodating as possible. However, KGUL states that Class C Channel 227 is also available for assignment at Port Lavaca, and that it would prefer that channel's assignment to Port Lavaca over the assignment of Channel 296A and modification of its license accordingly. KGUL states that a station operating on Channel 227 at Port Lavaca would provide a first FM service to 288 square kilometers (111 square miles) with a population of 3,218 people, and a second FM service to 1,208 square kilometers (466 square miles) with a population of 11,738 people. According to KGUL, recent studies indicate that Port Lavaca will experience substantial population growth in the next ten years. In response to the counterproposal of KGUL, KIKK states that it has no objection to the assignment of Channel 227 to Port Lavaca. KIKK suggests that the Commission issue a Notice of Proposed Rule Making proposing to assign either 227 or 296A to Port Lavaca so that if a conflict arises over one plan, the other channel can still be assigned.

6. *Preclusion data.* According to the engineering statement submitted by KSRR, the requested channel substitutions at Beaumont and Lake Jackson would result in no new preclusion. However, the channel substitutions are said to allow new assignments for the Port Lavaca, Texas, and Lake Charles, Louisiana, area (Channel 296A); the Alto, Texas, area (Channel 297); and a small coastal area in Louisiana (Channel 298 or 299). The assignment of Channel 227 to Port Lavaca, as requested by KGUL, would cause preclusion on Channels 224A, 225, 226, 227, 228A, 229, and 230. According to KGUL, sixty-one communities with a population greater than 2,500 which have no FM assignments would be precluded.[4] KGUL should indicate in its comments whether additional channels are available for assignment to these precluded communities.

[2] Public Notice of the petition was given on November 3, 1980, Report No. 1254.

[3] KBUC-FM currently operates on Channel 298. The separation requirements for first adjacent Class C FM channels is 150 miles. The requirement for co-channel Class C operations is 180 miles. Turner states tht the Lake Jackson transmitter is approximately 174 miles from KBUC-FM's proposed transmitter site southeast of San Antonio.

[4] The precluded communities (information provided by KGUL), all of which are in Texas, include: Edna (pop. 5,458), Aransas Pass (pop. 6,417), Halletsville (pop. 2,697), Ingleside (pop. 4,302), Wharton (pop. 5,671), Angleton (pop. 10,589), Bellville (pop. 2,632), Clute City (pop. 6,959), Eagle Lake (pop. 3,515), Katy (pop. 4,993), Luling (pop. 4,585), Missouri City (pop. 8,873), Sealy (pop. 3,211), Smithville (pop. 3,248), Stafford (pop. 5,167), Sugar Land (pop. 7,306), West Columbia (pop. 3,330), Alamo Heights (pop. 7,029), Balcones Heights (pop. 3,086), Bastrop (pop. 3,306), Baytown (pop. 48,191), Bellaire (pop. 17,057), Converse (pop. 2,778), Dayton (pop. 4,702), Deer Park (pop. 16,866), Elgin (pop. 3,893), Friendswood (pop. 12,037), Galena Park (pop. 9,379), Giddings (pop. 3,470), Hedwig Village (pop. 3,746), Hitchcock (pop. 6,331), Humble (pop. 5,953), Hunters Creek Village (pop. 4,395), Jacinto City (pop. 10,462), Kirby (pop. 3,819), LaMarque (pop. 14,588), LaPorte (pop. 7,995), League City (pop. 12,984), Navasota (pop. 4,993), Piney Point (pop. 2,729), Poteet (pop. 3,259), Rockdale (pop. 4,765), Round Rock (pop. 6,067), San Diego (pop. 4,776), Schertz (pop. 7,461), Seabrook (pop. 5,236), South Houston (pop. 11,444), Spring Valley (pop. 3,473), Texas City (pop. 40,939), Tomball (pop. 4,651), Universal City (pop. 11,112), West University Place (pop. 14,434), Boerne (pop. 3,213), Dilley (pop. 2,586), Edcouch (pop. 2,987), Hearne (pop. 5,107), Hondo (pop. 6,039), Liberty (pop. 6,166), Madisonville (pop. 2,850), Marble Falls (pop. 3,598), and Port Isabel (pop. 3,534)

7. We believe the public interest would be served by proposing the channel substitutions as requested by the parties to this proceeding. Several issues should be addressed by the parties in their comments. KSRR and KIKK should indicate in greater detail the problems they anticipate will result if they remain at their present transmitter location. In this regard, KSRR as well as other Houston stations have alleged severe shadowing and signal degradation problems, but the extent of signal loss has not been estimated. Second, any information available concerning the availability of alternative transmitter sites which would not result in short-spacing with the Beaumont, Lake Jackson and Port Lavaca, stationsshould be submitted. Third, the public interest benefits, as opposed from any private financial benefit, accruing from the location of the Houston FM stations at a common transmitter site should be indicated. Similarly, Turner should present more specific information concerning the proposed relocation of Station KBUC-FM's transmitter site and the availability of alternate transmitter sites around the San Antonio area. At this stage, from the information provided we apparently have two stations (KSRR and KBUC-FM) both seeking to relocate for their personal benefit and no basis for preferring one over the other. In this regard, however, the San Antonio proposal is more speculative since no application for a site change has been filed.

8. In addition to seeking comment on the proposed channel assignments, we are also issuing *Orders to Show Cause* to the licensees to Station KWIC, Beaumont, Station KGOL, Lake Jackson, and Station KGUL-FM, Port Lavaca. With regard to the assignment to Port Lavaca, we are proposing alternative assignments—either Channel 296A or Channel 227. In the event additional interests are expressed in the Class C channel at Port Lavaca, the license of Station KGUL-FM may not be modified to specify operation on Channel 227. According to Commission policy as expressed in *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976), other parties must be afforded an opportunity to state their interest in applying for a newly assigned Class C channel. The Class A channel is also proposed in the event an interest is expressed or the Class C proposal is not found to be warranted.

9. We have issued herein *Orders to Show Cause* to the Beaumont and Lake Jackson licensees and to the Port Lavaca licensee in the event the proposed Class A channel substitution is made rather than the Class C assignment for which consent has been given.

10. In view of the foregoing, the Commission seeks comment on the following proposed amendments to the FM Table of Assignments, Section 73.202(b) of the Commission's rules, with regard to the communities listed below:

City	Channel No.	
	Present	Proposed
Beaumont, Texas	299	300
Lake Jackson, Texas	297	298
Port Lavaca, Texas	240A	227or 296A

11. It is ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it has a license, Station KWIC, Beaumont, Texas, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 300 as proposed herein instead of the present Channel 299.

12. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it has a license, Station KGOL, Lake Jackson, Texas, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 298 as proposed herein instead of the present Channel 297.

13. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it has a license, Station KGUL-FM, Port Lavaca, Texas, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 296A as proposed herein instead of the present Channel 240A.

14. Pursuant to Section 1.87 of the Commission's Rules, the licensees of Stations KWIC, Beaumont, Texas; KGOL, Lake Jackson, Texas; and KGUL-FM, Port Lavaca, Texas, may, not later than June 1, 1981, request that a hearing be held on the proposed modifications. Pursuant to Section 1.87(f), if the right to request a hearing is waived, Stations KWIC, KGOL, and KGUL-FM may, not later than June 1, 1981, file a written statement showing with particularity why their licenses should not be modified as proposed in these *Orders to Show Cause*. In this case, the Commission may call on KWIC, KGOL and KGUL-FM to furnish additional information, designate the matters for hearing, or issue, without further proceedings, an Order modifying the licenses as provided in the *Orders to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, KWIC, KGOL and KGUL-FM will be deemed to have consented to the modifications as proposed in the *Orders to Show Cause* and a final Order will be issued by the Commission, if the above-mentioned channel modifications are ultimately found to be in the public interest.

15. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

16. Interested parties may file comments on or before June 1, 1981, and reply comments on or before June 22, 1981.

17. It is further ordered, That the Secretary of the Commission SHALL SEND a copy of this *Notice* by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to Gibson Broadcasting Company, P.O. Box 6067, Beaumont, Texas 77705; John Brown Broadcasting, Inc., 8500-A Kirby Drive, Houston, Texas 77054; and Calhoun County Broadcasting, 213 Colorado Street, Port Lavaca, Texas 77979, the parties to whom the *Orders to Show Cause* are directed.

18. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

19. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to*

Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 Fed. Reg. 11549, published February 9, 1981.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections (4)(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments, Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-11416 Filed 4-14-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-191; RM-3804]

FM Broadcast Station in Powell, Wyo.; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Correction.

SUMMARY: This corrects the release date of the Notice of Proposed RuleMaking in BC Docket No. 81-191 concerning an FM Broadcast Station being assigned to Powell, Wyoming. The proposed rule mentioned March 30, 1981 as the release date. The correct release date is April 6, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), FM Table of Assignments, (Powell, Wyoming).

On March 24, 1981, (46 FR 20709; April 7, 1981) the Commission, by its Broadcast Bureau, Policy and Rules Division, adopted a Notice of Proposed Rulemaking in the above-captioned proceeding. The release date of that document was erroneously stated as being March 30, 1981. The correct release date should read April 6, 1981.

William J. Tricarico,

Secretary.

[FR Doc. 81-11418 Filed 4-14-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

New England Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration/DOC.

ACTION: Notice of Public Hearings.

SUMMARY: The New England Fishery Management Council announces a series of public hearings to receive comments on a proposed fishery management program for sea scallops (*Placopecten magellanicus*) as described in the Draft Environmental Impact Statement/Fishery Management Plan (DEIS/FMP) for Atlantic Sea Scallops, and as prepared by the New England Fishery Management Council in consultation with the Mid-Atlantic Fishery Management Council and the South Atlantic Fishery Management Council. A concise written summary of the proposed sea scallop management program will be provided at each public hearing. These hearings are being held in accordance with Section 302(h)(3) of the Magnuson Fishery Conservation and Management Act and Section 1506.6(c) of the Council on Environmental Quality's National Environmental Policy Act regulations. Comments received at these hearings and on the DEIS/FMP, as well as any written comments received, will be taken into account and addressed in the preparation of the Final Environmental Impact Statement/Fishery Management Plan.

DATES: Comments must be received on or before May 22, 1981. Individuals or organizations wishing to comment on the DEIS/FMP may do so at public hearings to be held as follows:

Mid-Atlantic:

May 5, 1981—Wildwood Crest, New Jersey
May 6, 1981—Norfolk, Virginia

South Atlantic:

May 7, 1981—Manteo, North Carolina

New England:

May 18, 1981—Ellsworth, Maine
May 19, 1981—Portland, Maine
May 21, 1981—New Bedford, Massachusetts

ADDRESS: Send comments to: Chairman, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Rt. 1), Sauguc, Massachusetts 01906. Public hearing locations:

Mid-Atlantic:

May 5, 1981—Waikiki Motor Inn, Wisteria Road and the Beach, Wildwood Crest, New Jersey
May 6, 1981—Quality Inn Lake Wright, 6280 North Hampton Boulevard, 2048, Norfolk, Virginia

South Atlantic:

May 7, 1981—Marine Resources Center, Auditorium, Manteo, North Carolina

New England:

May 18, 1981—Holiday Inn, U.S. Route 1 and Route 3, Ellsworth, Maine

May 19, 1981—Holiday Inn, Downtown, 88 Spring Street, Portland, Maine
May 21, 1981—Holiday Inn, Hathaway Road, New Bedford, Massachusetts

All of the public hearings will begin at 7:00 p.m. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

SUPPLEMENTAL INFORMATION: The New England Fishery Management Council and the National Oceanic and Atmospheric Administration propose to adopt and implement an FMT for Atlantic Sea Scallops (*Placopcacten magellanicus*), which has been developed in accordance with the procedures established by the Magnuson Fishery Conservation and Management Act of 1976 and other relevant laws. Specifically, the management program calls for (1) the immediate adoption of a control on the size (age) at which a sea scallop may be retained in a fishery, (2) the licensing of all participating vessels, and (3) the requirement that licensed vessels be subject to mandatory data reporting.

Dated: April 13, 1981.

Terry L. Leitzell,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-11545 Filed 4-14-81; 9:21 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 72
Wednesday, April 15, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Revision of VISTA Guidance Papers

AGENCY: ACTION.

ACTION: Notice of revision of VISTA Guidance Papers.

SUMMARY: The following notice supersedes the VISTA Guidance Papers published in Volume 44, No. 176 of the **Federal Register** on September 10, 1979. Basically the revision:

(1) Deletes the requirement that VISTA projects must emphasize community organizing as a necessary element of a VISTA project.

(2) Requires, as an interim measure, that all VISTA projects have the approval of the Director of VISTA.

(3) Provides a mechanism for the orderly phasing out of projects which do not meet VISTA requirements.

(4) Supersedes and replaces the VISTA Guidance Papers in Volume 44, No. 176 of the **Federal Register** on September 10, 1979.

Since this notice does not involve the issuance of a regulation within the meaning of Section 420(a)(1) of the Domestic Volunteer Service Act of 1973, but merely contains a notice of the internal procedures to be followed by agency officials in approving applications, the waiting periods required by Section 420 are not applicable. The procedures contained in this notice will become effective immediately on publication.

Internal Procedure on Selection of VISTA Sponsors and Projects

1. Procedures

Until further notice, the following procedures will be employed by ACTION staff in the selection of VISTA sponsors and in the approval of new and continuation VISTA projects. All the stated elements must be found in the applicant's proposal. The project must:

(a) be poverty oriented in scope and otherwise comply with the provisions of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 *et seq.*) applicable to VISTA and all applicable published regulations and ACTION policies.

(b) Comply with applicable financial and fiscal requirements established by ACTION or other elements of the Federal Government.

(c) Show that the goals, objectives and volunteer tasks are attainable within the time frame during which the volunteers will be working on the project and will produce a measurable result.

(d) Provide for reasonable efforts to recruit and involve low-income community residents in the planning, development and implementation of the VISTA project.

(e) Provide for frequent and effective supervision of the volunteers.

(f) Identify resources needed and make them available for volunteers to perform their tasks.

(g) Have the management capability to carry out the project.

2. Additional Factors

ACTION personnel may use the following additional tests in choosing between applicants who meet the criteria specified above:

(a) How important is the proposed project to the target community? Who will benefit from the project?

(b) Does the project show evidence of skillful and careful planning to attain project goals?

(c) Did the sponsor answer preliminary inquiry questions with specificity or somewhat vaguely?

(d) What evidence of local support does the project have? What local opposition does it have?

(e) Does the sponsoring organization have the managerial and technical skills and expertise to implement the project successfully?

(f) Sponsor's staff:

(1) What are the procedures for on-the-job training of the staff?

(2) What kind of supervision do staff members get?

(3) What are the procedures for staff accountability?

(4) What position on the staff will be responsible for VISTA supervision?

(g) Is the number of volunteers being requested appropriate for project goals and objectives as stated?

3. Prohibited Activities

Applicants and sponsors must furnish adequate assurances that the following prohibitions on volunteer and sponsor activity are observed:

(a) VISTA volunteers are prohibited by law from participating in:

(1) Partisan and non-partisan political activities, including voter registration activities.

(2) Direct or indirect attempts to influence legislation.

(3) Labor and anti-labor related activities.

(b) VISTA sponsors are prohibited by law from:

(1) Carrying out projects resulting in the identification of such projects with partisan and nonpartisan political activities, including voter registration activities and providing voters with transportation to the polls.

(2) Assigning volunteers to activities which would result in the displacement of employed workers.

(3) Accepting, or permitting the acceptance of compensation for the services of volunteers.

4. VISTA Sponsor Selection Process

Project Approval Process for new sponsors. In order to assure all potential sponsors equal consideration, the VISTA project approval process for new projects listed below is to be followed.

As of this date:

(1) When a potential sponsor contacts an ACTION State Office to apply for VISTA resources:

(a) The State Office will send the sponsor a Pre-Application Inquiry Form or a VISTA Project Application Form.

(b) Those projects which appear to the State Director to be in compliance with VISTA policies on the basis of the Pre-Application Inquiry Form should be sent a VISTA Project Application Form.

(c) Those projects which appear to the State Director to be out of compliance should be notified in writing that their project does not appear to be in compliance with VISTA policies.

(2) Returned VISTA Project Application Forms should be reviewed by the State Director as they are received.

(a) Potential projects which appear to the State Director to be out of compliance with VISTA policies should be disapproved and the sponsoring

agency/organization should be notified as per (c) above.

(b) Potential projects that have been found to meet minimum VISTA requirements should be scheduled for a second review to be held quarterly on the same day (to the extent practical) for all projects to be considered for placement of VISTAs in the coming quarter. This second review must be completed by the first day of the last month of the calendar quarter (i.e., June 1, September 1, December 1, March 1).

(3) Quarterly Programming Review—Decision Day. The recommendation as to which projects will be developed for placement of VISTAs in the coming quarter will be made at the second review of the VISTA Project Application Forms to be held by each state/district quarterly.

(a) Participating on Decision Day will be:

(1) The State Director and whoever he/she deems necessary from his/her staff.

(2) The Regional Director or his/her designee.

(b) The State Director will rank the VISTA Project Application Forms under consideration. Rank will be determined on the basis of how projects compare to each other as they are judged against both VISTA policies and requirements and the State programming strategy (e.g., rural/urban, human need sector, etc.).

(c) The State Director will propose to the Regional Director which projects will be developed according to their rank and the number of training entries which can be placed during the coming quarter.

(c) The Regional Director will send a copy of the joint recommendation of the State and Regional Directors to the Director of VISTA for approval.

(e) The Director of VISTA will promptly notify the Regional and State Directors of all decisions. Formal action necessary to implement the decisions will be initiated by the State Director after all approved VISTA Project Application Forms and necessary auxiliary documents (e.g., Memoranda of Understanding) have been reviewed for technical and legal sufficiency by the Regional Director.

(f) The Regional Office will forward a copy of the complete document file to VISTA headquarters.

(g) Projects will not be submitted to Governors' Offices for review until after the Director of VISTA has given final approval.

Implementation of Procedures for Existing Sponsors.(1) Notice.

(a) All existing sponsors will be notified of these procedures as soon as they are published in the **Federal Register.** Sponsors will be told that their application for renewal will be reviewed in light of the new policy so that they may design their applications accordingly.

(b) All State Offices will review existing VISTA projects to determine whether they would be in compliance with VISTA requirements if they were applied to the project as currently constituted. Those that do not appear to comply will be notified of this fact with the reasons for non-compliance explained. Sponsors will be reminded that any new application for renewal must comply with VISTA requirements.

(2) Review of Continuation Applications.

(a) Sponsoring organizations whose Memoranda of Agreement are renewable after June 30, 1981, will be reviewed by the State and Regional Director and the Director of VISTA. If the application is denied at the State, regional or national level, the sponsor will be notified that ACTION intends to deny the application for renewal, and the sponsor will be given an opportunity to show cause why the application should not be denied in accordance with ACTION procedures. See Part 1206, Title 45, Code of Federal Regulations.

(b) If the application for renewal is approved by the State and Regional Directors and the Director of VISTA, the project will be renewed for one year, subject to the availability of funds.

(c) Sponsoring organizations whose Memoranda of Agreement are renewable between (date of publication) and June 30, 1981:

(1) May be extended by State Directors for up to 60 days to allow revision of the renewal proposal to conform with these procedures, or

(2) May be renewed for one year if the State Director so desires, if the Regional Director and the Director of VISTA concur and if their proposal conforms to these procedures.

(3) May be notified that ACTION intends to deny the application for renewal, in which case the procedures specifed in paragraph (a) above should be followed.

Supersession of Previous Policy. This policy supersedes and replaces the VISTA Guidance Papers published at page 52704 *et seq.* of No. 176, Volume 44 of the **Federal Register** on September 10, 1979.

Signed at Washington, D.C., this 9th day of April, 1981.

Dana B. Rodgers, Jr.,

Acting Director of ACTION.

[FR Doc. 81-11333 Filed 4-14-81; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Amendment of Assigned Geographic Area of the Illinois Department of Agriculture and Interim Assignment of Area to the Eastern Iowa Grain Inspection and Weighing Service, Inc.

AGENCY: Federal Grain Inspection Service (FGIS).

ACTION: Notice.

SUMMARY: This notice announces an amendment to the assigned geographic area of the Illinois Department of Agriculture, Springfield, Illinois, to exclude from its assigned geographic area several northern Illinois counties where it performed official grain inspection functions under authority of the U.S. Grain Standards Act, as amended. This notice also announces the assignment of this area on an interim basis to the Eastern Iowa Grain Inspection and Weighing Service, Inc., Blue Grass, Iowa.

EFFECTIVE DATE: April 1, 1981.

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

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore, this Executive Order does not apply to this action.

The Illinois Department of Agriculture (the Agency), Emmerson Building, Illinois State Fairgrounds, Springfield, Illinois 62706, was designated to provide official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.)* (the Act) on November 13, 1978. In a December 11, 1980, letter, the Agency requested that its designation be amended to exclude a portion of its assigned geographic area beginning April 1, 1981. The Agency requested this amendment in view of the recent volume of inspections, which being relatively low has caused a financial hardship to the Agency, in its operating a full-time specified service point in Dekalb, Illinois. The Agency

performed 780 inspections (99 percent of which were hopper cars) during the period from October 1, 1979, through June 30, 1980, and 1,087 inspections (84 percent of which were hopper cars) during October 1, 1978, through September 30, 1979, at the Dekalb point.

The Eastern Iowa Grain Inspection and Weighing Service, Inc. (Eastern Iowa), R.R. #1, Box 588, Blue Grass, Iowa 52726, a designated official agency which is assigned geographic area contiguous to the subject area has been approved an interim assignment of this area for the performance of official inspection services. This interim assignment will be for the period April 1, 1981, through March 31, 1982.

As a result, the geographic area previously assigned to the Illinois Department of Agriculture in the September 4, 1980, issue of the **Federal Register** (45 FR 59128) is herein amended to exclude the following geographic area effective April 1, 1981, and this excluded area is herein assigned to Eastern Iowa for the interim period April 1, 1981, through March 31, 1982, for the performance of official inspection services:

Bounded: on the North by the northern Stephenson, Winnebago, Boone, and McHenry County lines; the northern Lake County line east to Interstate 94;

Bounded: on the East by Interstate 94 south to Interstate 294; Interstate 294 south to Interstate 55; Interstate 55 southwest to the southern Dupage County line;

Bounded: on the South by the southern Dupage, Kendall, Dekalb, and Lee County lines;

Bounded: on the West by the western Lee, Ogle, and Stephenson County lines.

Also included in this interim assignment to Eastern Iowa is the Leland Farmers Company, Leland, Illinois, in La Salle County, a location which is outside this contiguous geographic area as described above. This location was serviced in the past by the Illinois Department of Agriculture.

Requests for service from applicants in this area beginning April 1, 1981, should be directed to the Eastern Iowa Grain Inspection & Weighing Service, Inc., 1908 South Stark Street, Davenport, Iowa 52802; (319) 322-7149.

(Sec. 8, Pub. L. 94-582; 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: April 13, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-11444 Filed 4-14-81; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Los Padres National Forest Grazing Advisory Board; Meeting

The Los Padres National Forest Grazing Advisory Board will meet from 9:00 a.m. to 12:00 noon on May 20, 1981, Dorothea Nelson Room, City Library, 420 South Broadway, Santa Maria, California. The purpose of this meeting is to consider (1) priorities for use of range betterment funds and (20 allotment management plans. This is the Board's fourth semi-annual meeting since it was established in 1979. Informational topics will include wilderness grazing, the Forest Land Management Plan, and the rancher economic study.

The meeting will be open to the public. Persons who wish to attend should notify me at 42 Aero Camino, Goleta, California 93117 (805-968-1578). The public will be given an opportunity to speak on agenda items unless such input would interfere with the Board's ability to work within the allotted time. Written statements may be filed with the committee before or after the meeting.

Dated: April 7, 1981.

Erwin N. Ward,

Deputy Forest Supervisor.

[FR Doc. 81-11360 Filed 4-14-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket: 39515; EDR-423]

Free and Reduced-Rate Transportation; Accounting Policy on Barter Transactions

Dated: April 9, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Request for comments on proposed accounting policy directive.

SUMMARY: The CAB describes and requests comments on its accounting policy, for barter and discount coupon transactions.

DATES: Comments by: May 14, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: April 29, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39515, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1875 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Raymond Kurlander, Director, Bureau of Carrier Accounts and Audits, Civil Aeronautics Board, 1875 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5370.

SUPPLEMENTARY INFORMATION: On July 2, 1980, the Board adopted ER-1181, 45 FR 46797, July 11, 1980. This rule allowed carriers to barter with anyone without restrictions. Barter in this context is the furnishing of transportation by air in return for goods and services.

In instances where significant amounts of goods or services are concerned or a continuing relationship is contemplated, the parties involved (*i.e.*, the barter company and the carrier) should have a letter of understanding, an agreement or a formal contract establishing the value of the exchanged goods or services, based upon arms-length bargaining.

Since the accounting for barter transactions is not specifically provided for in the Uniform System of Accounts and Reports, the purpose of this interpretation is to propose policies for barter accounting and discount coupon transactions.

Barter of Goods or Services for Transportation by Air

Since the barter transaction involves an exchange of goods or services for transportation by air without any money changing hands, establishing the value of the barter transaction is necessary for accounting purposes. The value of the barter transaction should be determined in accordance with Generally Accepted Accounting Principles (GAAP). One of the pervasive measurement principles of the Accounting Principles Board, predecessor of the Financial Accounting Standards Board (FASB) states:

"In exchanges in which neither money nor promises to pay money are exchanged, the assets acquired are generally measured at the fair value of the assets given up. However, if the fair value of the assets acquired is more clearly evident, the assets acquired are measured at that amount."

The recent fare flexibility in transportation has produced such variations in air fares that, often the value of goods or services received in exchange for air transportation may be more reasonably determined. Therefore,

in such instances, the fair value of the goods and services received generally should be the value at which the barter transaction is recorded. When the value of the goods or services have no readily determinable fair value, the value of transportation may be used in recording the barter transaction. In those instances in which the value of goods or services and transportation can both be realistically determined, the *lower* value should be used to record the barter transaction.

An "other expense" or "miscellansous revenue" account should not be used to offset differences in values of transportation and goods or services involved in the barter transaction. This will not be necesary since the value of the barter transaction will be determined by either the value of the goods or services exchanged or the value of the transportation.

The entry to record a typical barter transaction (i.e., exchange of legal services, uniforms etc., for air transportation) involves a credit to the air traffic liability account and ultimately a charge to an expense account[1] such as legal expense for the value of the barter transaction. When the transportation is finally provided, the air traffic liability account is cleared and passenger revenue is recorded.

In those instances in which transportation is provided in advance of the bartered amount being rendered, a receivable (A/C 1270.X Accounts Receivable) should be used instead of the expense account (A/C 6940 Legal Expenses) to record the contra to the earned passenger revenue account. When the bartered services are provided, the receivable account should be reduced through charges to the applicable expense account.

Discount Coupons (for Example, Two-for-One, and Half Fare, etc.) Issued for Air Transportation

Coupons issued to passengers on flights entitling them to reduced fares on future flights are not recorded until they are exchanged for transportation. The net amount received for transportation obtained with a coupon should be recorded in the air traffic liability account and should subsequently be cleared to revenue. When a half-fare coupon is used, only half of the normal fare is taken into revenue through the air traffic liability account.

Special Fare Discount Coupons

In this instance coupons are issued to particular groups, such as stockholders, or are issued to travelers for other promotional purposes on certain flights and may be used for discounts on other flights. In other words these are potential discounts from full fare and may be used on an elective basis to offset a portion of the full fare. Receipt and use of such coupons is optional to the class of traveler requiring the payment of additional monies to obtain transportation, and, accordingly, when such a situation exists it should be treated for accounting purposes as a discount in the same manner as previously discussed discount fare coupons.

Where the coupon is used for transportation within the year of issuance, no entry is made until the coupon is redeemed for purchase of a ticket, at which time, only the amount actually paid would be recorded as an air traffic liability which would subsequently be cleared to revenue.

Calculation of Yearend Liability of Unapplied Long-Term Discount Coupons

It is our understanding that for the most part carriers have issued discount coupons which are redeemable for transportation in the year of issuance. Under the circumstances, the discounts will not affect a future year's earnings. If discount coupons are issued that may be used in more than one fiscal year, there is a question as to whether a liability exists at the end of the fiscal year in which the coupon was issued. This becomes a matter of materiality[2] and disclosure as to the extent that the subsequent year's income will be affected by the promotional program of a prior year.

Good accounting would require that coupons likely to be presented in the subsequent year and which would materially offset income in that year, be appropriately disclosed in a footnote adequately describing the impact on the subsequent year's income. One could argue that depending upon the materiality of the potential use of these coupons in a subsequent year, a contingent liability as defined by Financial Accounting Standard No. 5 exists in regard to the future use of such coupons. Further, depending on the public offer in certain circumstances a booking of a year-end liability would be appropriate.

We recognize that it is very difficult to put a dollar amount on the potential impact of these coupons. One of the difficulties is that there is little consistency among carriers in these promotional discount programs and, for competitive reasons, other carriers have chosen to accept these coupons; thus, compounding the problem of estimating the revenue impact for a given carrier. A recent example is the 50-percent discount coupon issued by Eastern on its shuttle entitling passengers to discounts on transcontinental fares and subsequently honored by other carriers. Although Eastern's coupons in this case are only valid in the year in which issued, other carriers may issue similar coupons that are valid beyond the year of issue thereby necessitating a footnote disclosure of the impact, if material, on the subsequent year's income.

Premium Units Issued on Flights Entitling Passengers to Free Merchandise

In this situation, a passenger obtains credits, or "premium" units,[3] for each segment flown on a particular carrier. The premium units are accumulated and when a specified number, such as 5 units, are obtained the passenger may obtain a free gift such as a digital alarm clock.

The usual premium or coupon accounting should be followed in this instance. This accounting requires that an inventory of merchandise be set up at cost at the time of purchase. As coupons are redeemed for merchandise, promotional expense is charged and the inventory is credited with the cost of promotional merchandise issued; and at the end of an accounting period a liability is established based on the estimated redemptions to be made in subsequent accounting periods—with a contra charge to the promotional expense account.

The Civil Aeronautics Board requests comments on the accounting policy described above. This action is taken

[1] If the barter involves assets, appropriate entries to balance sheet accounts should be made.

[2] Historically, the Board has considered an item to be material if it exceeds one-half of one percent of the twelve-months-to-date total operating revenues or total operating expenses depending on the nature of the item. The Board requires a footnote on Schedule P-2 when an item is not material, but does exceed one percent of the total functional classification of which it is a part. The Financial Accounting Standards Board's present position as stated in its Statement of Financial Accounting Concepts No. 2 issued in May 1980 is that no general standards of materiality could be formulated to take into account all the considerations that enter into an experienced human judgment.

[3] For advertising purposes some carriers may refer to these premium units as dividend units or other such characterizations.

under the authority delegated in 14 CFR 385.17 (a) and (c).

Raymond Kurlander,

Director, Bureau of Carrier Accounts and Audits.

[FR Doc. 81-11358 Filed 4-14-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Revised Criteria for Disclosing Public-Use Microdata

The Acting Director of the Bureau of the Census is issuing revised criteria (effective February 1981) for releasing public-use microdata (see below). The term "public-use microdata" refers to computerized files of records containing information about individuals or households with all positive identifiers removed. Criteria for avoiding disclosure in microdata files released by the Bureau of the Census for public use have been the subject of many discussions covering numerous and diverse issues over the past several years. Based on those discussions and subsequent considerations of data needs and disclosure risk, several changes have been made to the Bureau's current microdata release policy. The Bureau has no plans to recreate previously issued microdata files on the basis of these criteria. If users are interested in revised files, the Bureau will consider undertaking a proposed project but only on a reimbursable basis. Requests for public-use microdata or for further information should be sent to the Acting Director, Bureau of the Census, Washington, D.C. 20233.

Criteria for Disclosing Public-Use Microdata

Files of records containing data about households and individuals can be made available for public use provided that:

(1) The records contain no names, addresses, or other unique identifiers. (No change from previous criteria.)

(2) The records include no geographic or related information that would identify an area of less than 100,000 population.[1] (Change: Previous population cutoff was 250,000.)

(3) Once a file has been released with one set of geographic identification, the same records cannot be released with different identification if the two geographic schemes in combination identify any area with less than 100,000 population. (No change from previous criteria except for population cutoff.)

(4) Specifications for each file (or groups of files) must be reviewed to determine if any of the proposed contents might present an unusual risk of individual disclosure. This review may result in:

(a) The removal or reduction in detail of any variable considered likely to identify an especially small and visible population (e.g., persons with high income).

(b) The use of a minimum area population criterion that is higher than 100,000 for that particular file(s) (e.g., for a file with neighborhood characteristics).

(c) The introduction of "noise" (i.e., small amounts of random variation) into selected data items.

(d) The subsampling of records so that public-use microdata do not include all respondents included in a large survey. (Change: Previous rules covering part (a) above specified that no income amount of more than $50,000 for any income source be shown on the record. Previous rules covering part (b) above restricted the areas identified on microdata files with neighborhood characteristics, specifically, to nine census divisions and type-of-area categories, each of which identified areas no smaller than 250,000 population in each division.)

A Microdata Review Panel has been established to monitor the Bureau's adherence to its confidentiality policy requirements, to implement the review specified in item 4 above, and to resolve any problems, questions, and issues not covered by the general criteria. (Change: There has been no routine review mechanism in the past.)

Dated: April 9, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-11357 Filed 4-14-81; 8:45 am]

BILLING CODE 3510-07-M

[1] Geographic information is any publicly accessible information not supplied by the respondent which can be used to define the geographic area in which the respondent is located. It includes information in supplementary materials (e.g., PSU maps) as well as codes on the microdata record.

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Specialized Consultant Services Program (SCS) to operate one project for financial management assistance for a 12 month period beginning August 1, 1981 in the States of Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and Washington, D.C. The cost of the project is estimated to be $160,000. The Project No. is 03-10-80005-01.

CLOSING DATE: May 8, 1981.

ADDRESS: Washington Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1730 K Street, NW., Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Vincent S. Martin, Grant/Cooperative Agreement Specialist, telephone 202/634-7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The Specialized Consultant Services Program (SCS) is designed to provide quality assistance on a task order basis to minority businesses that have a relatively high potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either non-profit or for profit) which must be capable of providing financial management assistance, accounting services and tax services.

B. Eligible Applicants

Educational institutions, state or local governments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitte by available funds. Evaluation of proposals will employ the following criteria:

1. Capability of Firm

Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

2. Credentials

Examples of work: Submit specimen packages (limit 3). Case histories are not acceptable.

3. Staffing Capability

A. Staffing pattern, job description, qualification standards.

B. Experience of key manager(s). Submit resume(s) indicating areas and level of experience.

C. Experience of professional staff who will provide direct management and technical assistance. Submit resumes indicating areas and level of experience. Indicate whether currently employed by your firm.

D. Experience of contractors to be utilized in the performance of this grant. Indicate areas and level of experience. Indicate whether or not this contractor was utilized in prior contracts and if so provide details.

4. Techniques and Methods Proposed to Implement the work requirements (Applicant's Work Plan)

Proposed procedures: (How, when and where work will be done and by whom), this section should follow the outline of the work requirements and will be part of the award.

5. Costs

Provide explanation of all proposed costs by line item.

E. Disposition of Proposals

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposal Instructions and Forms

Questions concerning the preceeding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as commiting MBDA to divide available funds among all qualified applicants.

G. A Pre-Application conference to assist all interested applicants will be held at the address referred to below, on April 15, 1981 at 10:30 A.M.

U.S. Department of Commerce, Minority Business Development Agency, 14th & Constitution Avenue, N.W., Room 4830, Washington, D.C. 20230.

(11.800 Minority Business Development, Catalog of Federal Domestic Assistance)

Dated: April 7, 1981.

Luis G. Encinias,

Regional Director.

[FR Doc. 81-11063 Filed 4-14-81; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Specialized Consultant Services Program (SCS) to operate one project for a 12 month period beginning August 1, 1981 in the States of Delaware, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia. The cost of the project is estimated to be $250,000.

The Project No. is 03-10-80006-01.

CLOSING DATE: May 8, 1981.

ADDRESS: Washington Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1730 K Street, NW., Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Vincent S. Martin, Grant/Cooperative Agreement Specialist, telephone 202/634-7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The Specialized Consultant Services Program (SCS) provides on-going consultant assistance, on a task order basis, to minority businesses that have a relatively high potential for success (minimum gross sales of $500,000). The recipient shall provide consultant assistance to resolve specific problems in the areas of at least, but not limited to, financial management, accounting and tax services, marketing plans, advertising and promotion, other marketing research, management analysis, personnel policies, production management and engineering control.

B. Eligible Applicants

Educational institutions, state or local governments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation of proposals will employ the following criteria:

1. Capability of Firm

Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

2. Credentials

Examples of work: Submit specimen packages (limit 3). Case histories are not acceptable.

3. Staffing Capability

A. Staffing pattern, job description, qualification standards.

B. Experience of key manager(s). Submit resume(s) indicating areas and level of experience.

C. Experience of professional staff who will provide direct management and technical assistance. Submit resumes indicating areas and level of experience. Indicate whether currently employed by your firm.

D. Experience of contractors to be utilized in the performance of this grant. Indicate areas and level of experience. Indicate whether or not this contractor was utilized in prior contracts and if so provide details.

4. Techniques and Methods Proposed To Implement the Work Requirement (Applicant's Work Plan)

Proposed procedures: (How, when and where work will be done and by whom), this section should follow the outline of the work requirement and will be part of the award.

5. Costs

Provide explanation of all proposed costs by line item.

E. Disposition of Proposals

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A Pre-Application conference to assist all interested applicants will be held at the address referred to below, on April 15, 1981 at 10:30 A.M.

U.S. Department of Commerce, Minority Business Development Agency, 14th & Constitution Avenue, NW., Room 4830, Washington, D.C. 20230.

(11.800 Minority Business Development, Catalog of Federal Domestic Assistance)

Dated: April 7, 1981.

Luis G. Encinias,

Regional Director.

[FR Doc. 81-11064 Filed 4-14-81; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Specialized Consultant Services Program (SCS) to operate one project for marketing consultant assistance for a 12-month period beginning August 1, 1981 in the states of Delaware, Maryland, Pennsylvania, Virginia, West Virginia and Washington, D.C. The cost of the project is estimated to be $160,000. The project number is 03-10-80007-01.

CLOSING DATE: May 8, 1981.

ADDRESS: Washington Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1730 K Street, NW., Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Vincent S. Martin, Grant/Cooperative Agreement Specialist, telephone 202/634-7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorized MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The Specialized Consultant Services Program (SCS) is designed to provide marketing consultant assistance to eligible clients, on a task order basis, to resolve specific marketing problems. Marketing in this program means the discovery of consumer needs and translating these needs into products or services to satisfy chosen customer groups at a profit. Marketing consulting assistance consists of research efforts in marketing planning, segmentation studies, pricing strategies, advertising and promotion, product life cycle analyses, marketing audits, etc. To provide those services, MBDA offers competitive grants to consulting firms (either profit or non-profit) which are experienced in providing the assistance as outlined above.

B. Eligible Applicants

Educational institutions, state or local governments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process

All proposals received as result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation of proposals will employ the following criteria.

1. Capability of Firm

A. Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

B. Internal resources available to the project (e.g., administrative, technical, capability statement, business references).

2. Credentials

Examples of work: Submit no more than 3 actual samples of the applicant's most complex marketing assistance. Detailed case histories are acceptable but less desirable than actual examples.

3. Staffing Capability

A. Staffing pattern, job descriptions, qualification standards.

B. Experience of key manager(s). Submit resume(s) indicating areas and level of experience.

C. Experience of professional staff who will provide direct management and technical assistance. Submit resumes indicating areas and level of experience. Indicate whether currently employed by your firm.

4. Contractors

Experience of contractors to be utilized in the performance of this grant. Indicate areas and level of experience. Indicate whether or not this contractor was utilized in prior contracts and, if so, provide details.

5. Applicant's Work Plan

How and where work will be done and by whom.

6. Costs

Provide detailed explanation of all proposed costs by line item.

E. Disposition of Proposals

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposals Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A Pre-Application conference to assist all interested applicants will be held at the address referred to below, on April 15, 1981 at 10:30 A.M.

U.S. Department of Commerce, Minority Business Development Agency, 14th & Constitution Avenue, NW., Room 4830, Washington, D.C. 20230.

(11.800 Minority Business Development, Catalog of Federal Domestic Assistance)

Dated: April 7, 1981.

Luis G. Encinias,

Regional Director.

[FR Doc. 81-11065 Filed 4-14-81; 8:45 am]

BILLING CODE 3510-21-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-

APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent Application 6,148,653: Acousto-Optic Time Integrating Correlator; filed May 12, 1980

Patent Application 6,153,461: Device to De-Spin Objects with Very High Spin; filed May 27, 1980

Patent Application 6,153,462: Optical Fuze with Improved Range Function; filed May 27, 1980

Patent Application 6,155,713: Multilayer via Resistors; filed June 2, 1980

Patent Application 6,156,458: Power Supply Conditioner for Fluidic Systems; filed June 4, 1980

Patent Application 6,157,145: Soft Recovery Method for Gunfired Shells; filed June 6, 1980

Patent Application 6,157,758: Microwave Controlled Field Effect Switching Device; filed June 9, 1980

Patent Application 6,158,556: Multi-Caliber Projectile Soft Recovery System; filed June 11, 1980

Patent Application 6,161,793: Flueric Density and Force Sensor; filed June 23, 1980

Patent Application 6,169,004: Apparatus for Eliminating Power Source Rise Time Effects in a Time Fuze System; filed July 15, 1980

Patent Application 6,188,798: Dual Frequency Range Antenna System; filed September 19, 1980

Patent Application 6,193,332: D.C.-A.C. Inverter Protection; filed October 1, 1980

Patent Application 6,196,508: Method of Fabricating Acceleration Resistant Crystal Resonators and Acceleration Resistant Crystal Resonators so Formed; filed October 14, 1980

Patent Application 6,198,395: High Power Gyrotron (OSC) or Gyrotron Type Amplifier Using Light Weight Focusing for Millimeter Wave Tubes; filed October 20, 1980

Patent Application 6,198,557: High Impedance Fast Voltage Probe; filed October 20, 1980

Patent Application 6,200,627: Contactless Resistivity Measurement Method; filed October 27, 1980

Patent 4,199,730: Double Peaked Amplifier; filed September 28, 1949, patented April 22, 1980; not available NTIS

Patent 4,201,136: Safety Control for Electronic Circuits; filed January 19, 1951, patented May 6, 1980; not available NTIS

Patent 4,204,198: Radar Analog to Digital Converter; filed December 20, 1977, patented May 20, 1980; not available NTIS

Patent 4,204,212: Conformal Spiral Antenna; filed December 6, 1978, patented May 20, 1980; not available NTIS

Patent 4,205,316: Enhanced Accuracy Doppler Fuze; filed March 16, 1967, patented May 27, 1980; not available NTIS

Patent 4,205,382: Binary Integrator for Fixed Cell Radar Alarm Data; filed February 2, 1979, patented May 27, 1980; not available NTIS

Patent 4,207,841: Dipole Antenna for Proximity Fuze; filed May 19, 1945, patented June 17, 1980; not available NTIS

Patent 4,211,487: Method and Apparatus for Determining Aerosol Size Distributions; filed January 22, 1979, patented July 8, 1980; not available NTIS

Patent 4,213,697: Phase Measuring Device; filed November 6, 1978, patented July 22, 1980; not available NTIS

Patent 4,214,240: Coded Pulse Radar Fuze; filed December 3, 1964, patented July 22, 1980; not available NTIS

Patent 4,214,533: Annular Alternator for Artillery; filed June 2, 1978, patented July 29, 1980; not available NTIS

Patent 4,214,534: Command Fuzing System; filed June 30, 1969, patented July 29, 1980; not available NTIS

Patent 4,216,475: Digital Beam Former; filed June 22, 1978, patented August 5, 1980; not available NTIS

Patent 4,223,345: Method and Apparatus for Camouflage Signature Measurement; filed June 20, 1979, patented September 16, 1980; not available NTIS

U.S. Department of Agriculture, Program Agreements and Patent Branch, Administrative Service Division, Federal Building, Science and Education Administration, Hyattsville, MD 20782

Patent Application 6,202,032: Method and Apparatus for Automatic Egg Mass Counting; filed October 29, 1980

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent 4,238,472: Radioimmunoassay for Chlorinated Bibenzo-P-Dioxins; filed November 27, 1978, patented December 9, 1980; not available NTIS

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent Application 6,088,255: Electrical Cable Molded Seal Assembly; filed October 23, 1980

Patent Application 6,155,830: Lead Germanate Bonded PZT Composite Piezoelectrics Background of the Invention; filed June 2, 1980

Patent Application 6,157,134: Measurement and Compensation System for Beam Forming Array; filed June 6, 1980

Patent Application 6,190,111: Master Buoy System for Acoustic Array Deployment, Using Underwater Glide Bodies Remotely Launched from a Submerged Pod; filed September 24, 1980

Patent Application 6,195,991: Biguanide Diperchlorate and Process for Preparation Thereof; filed October 10, 1980

Patent Application 6,196,225: A Radar Radiometer and Its Use; filed October 14, 1980

Patent Application 6,197,716: In-Situ Particulate Titanium Carbide Surface Composition in Titanium Alloy Matrix filed October 16, 1980

Patent Application 6,199,156: Weapons Training Apparatus for Simulating Long Range Weapons; filed October 21, 1980

Patent Application 6,199,406: Marksmanship Training Device for Simulating Long Range Weapons; filed October 22, 1980

Patent Application 6,206,331: Absolute Reflectometer; filed November 13, 1980

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-4, Washington, DC 20546

Patent Application 6,183,706: Heat Pipe Honeycomb Panel; filed September 3, 1980

Patent Application 6,191,748: Pyroelectric Detector Arrays; filed September 29, 1980

U.S. Department of Commerce, National Technical Information Service, Office of Government Inventions and Patents, Springfield, VA 22161

Patent Application 807,129: Novel *Beta*-Endorphins, Intermediates Therefor, and Compositions and Methods Employing Said *Beta*-Endorphins; filed June 16, 1977

Patent Application 807,209: Novel Tetrapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Tetrapeptides; filed June 16, 1977

Patent Application 807,229: Novel Nonacosapeptides, Intermediates Therefor, and Compositions and Methods Employing said Nonacosapeptides; filed June 16, 1977

Patent 4,127,517: Novel Docosapeptides, Intermediates Therefor, and Pharmaceutical Compositions and Methods Employing Said Docosapeptices; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,518: Novel Derivatives of Gamma-Endorphins, Intermediates Therefor, and Compositions and Methods Employing Said Derivatives; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,519: Octadecapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Octadecapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,520: Novel Nonadecapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Nonadecapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,521: Novel Octacosapeptides, Intermediates Therefor, and Pharmaceutical Compositions and Methods Employing Said Octacosapeptides; filed June 16, 1977; patented November 28, 1978; not available NTIS

Patent 4,127,522: Novel Triacontapeptides, Intermediates Therefor, and

Pharmaceutical Compositions and Methods Employing Said Triacontapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,523: Novel Undecapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Undecapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,524: Novel Dodecapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Dodecapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,525: Novel Tridecapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Tridecapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,526: Novel Tetradecapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Tetradecapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,527: Novel pentadecapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Pentadecapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,528: Novel Derivatives of Alpha-Endorphin, Intermediates Therefor, and Compositions and Methods Employing Said Derivatives; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,529: Novel Eicosapeptides, Intermediates Therefor, and Pharmaceutical Compositions and Methods Employing Said Eicosapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,530: Novel Heneicosapeptides, Intermediates Therefor, and Pharmaceutical Compositions and Methods Employing Said Heneicosapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,531: Novel Hexapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Hexapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,532: Novel Heptapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Heptapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,533: Novel Octapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Octapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,534: Novel Tripeptides, Intermediates Therefor, and Pharmaceutical Compositions and Methods Employing Said Tripeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,535: Novel Dipeptides, Intermediates Therefor, and Compositions and Methods Employing Said Dipeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,536: Novel Tricosapeptides, Intermediates Therefor, and Pharmaceutical Compositions and Methods Employing Said Tricosapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,537: Novel Tetracosapeptides, Intermediates Therefor, and Pharmaceutical Compositions and Methods Employing Said Tetracosapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,538: Novel Pentacosapeptides, Intermediates Therefor, and Pharmaceutical Compositions and Methods Employing Said Pentacosapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,539: Novel Hexacosapeptides, Intermediates Therefor, and Pharmaceutical Compositions and Methods Employing Said Hexacosapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,540: Novel Derivatives of Delta-Endorphins, Intermediates Therefor, and Compositions and Methods Employing Said Derivatives; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,127,541: Novel Decapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Decapeptides; filed June 16, 1977, patented November 28, 1978; not available NTIS

Patent 4,139,504: Novel Nonapeptides, Intermediates Therefor, and Compositions and Methods Employing Said Nonapeptides; filed June 16, 1977, patented February 13, 1979; not available NTIS

Patent 4,180,501: Bis (Polypeptide) Derivatives of Enkephalin; filed June 16, 1978, patented December 25, 1979; not available NTIS

Patent 4,213,968: Enkephalin Derivatives; filed June 5, 1978, patented July 22, 1980; not available NTIS

[FR Doc. 81-11361 Filed 4-14-81; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Change in Documentation for Export Visas From the People's Republic of China

April 9, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing that, effective on February 28, 1981, the Government of the People's Republic of China began stamping its export visa for cotton, wool and man-made fiber textile products exported to the United States on newly standardized commercial invoice forms.

SUMMARY: The Government of the People's Republic of China has advised the Government of the United States that, effective on February 28, 1981, it began stamping its export visa for categories subject to specific limits under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement with the United States on a blue commercial invoice form; categories not subject to specific limits are being visaed on a white commercial invoice form. The purpose of this notice is to advise interested parties of the change in forms. The visa stamp has not been changed.

EFFECTIVE DATE: February 28, 1981.

FOR FURTHER INFORMATION CONTACT: Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On August 5, 1980, there was published in the **Federal Register** (45 FR 51872) a letter dated August 1, 1980 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 textile products, produced or manufactured in the People's Republic of China. One of the requirements is that the visa shall be stamped on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice, when such form is used). The Government of the People's Republic of China began using newly standardized commercial invoice forms for this purpose, effective on February 28, 1981.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-11382 Filed 4-14-81; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade's Proposed Long-Term United States Treasury Note Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed futures contract.

SUMMARY: The Chicago Board of Trade ("CBT") has applied for designation as a contract market in long-term United States Treasury notes having a face value at maturity of one hundred thousand dollars or multiples thereof. The proposed contract calls for the delivery of United States Treasury notes and non-callable bonds with maturities of six and one-half years to ten years. The Commodity Futures Trading

Commission ("Commission") has determined that the terms and conditions or the proposed futures contract are of major economic significance and that, accordingly publication of the proposed terms and conditions is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 15, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to CBT Long-Term United States Treasury Note Futures Contract.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955; or Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D. C., (202) 254-7303.

SUPPLEMENTARY INFORMATION: The terms and conditions of CBT's proposed long-term United States Treasury note futures contract are as follows:

Long-Term U.S. Treasury Notes Futures Contract

XX02.01 *Application of Regulations*—Futures transactions in long term U.S. Treasury Notes shall be subject to the general rules of the Association as far as applicable and shall also be subject to the regulations contained in this chapter, which are exclusively applicable to trading in long term U.S. Treasury Notes.

XX03.01 *Emergencies, Acts of God, Acts of Government*—If the delivery or acceptance or any precondition or requirement of either, is prevented by strike, fire, accident, act of government, act of God or other emergency, the seller or buyer shall immediately notify the Chairman. If the Chairman determines that emergency action may be necessary, he shall call a special meeting of the Board and arrange for the presentation of evidence respecting the emergency condition. If the Board determines that an emergency exists, it shall take such action under Rule 180.00 as it deems necessary under the circumstances and its decision shall be binding upon all parties to the contract. For example, and without limiting the Board's power, it may extend delivery dates and designate alternative delivery points in the event of conditions interfering with the normal operations of approved facilities.

In the event the Board determines that there exists a shortage of deliverable U.S. Treasury Notes, it may, upon a two-thirds vote under Rule 180.00, take such action as may be in the Board's sole discretion appear necessary to prevent, correct or alleviate the condition. Without limiting the foregoing or the authority of the Board under Rule 180.00, the Board may:

(1) Designate as deliverable, callable U.S. Treasury Bonds otherwise meeting the specifications and requirements stated in this chapter;

(2) Designate as deliverable one or more issues of U.S. Treasury Notes and/or U.S. Treasury Bonds having maturities shorter than 6 and one-half years, or longer than ten years and otherwise meeting the specifications and requirements stated in this chapter; and/or

(3) Determine a cash settlement based on the current cash value of the 8% coupon rate, six and one-half years to ten years U.S. Treasury Note, as determined by using the current market yield curve for U.S. Treasury securities on the last day of trading.

XX04.01 *Unit of Trading*—The unit of trading shall be United States Treasury Notes having a face value at maturity of one hundred thousand dollars ($100,000) or multiples thereof.

XX05.01 *Months Traded In*—The months listed for trading are March, June, September, and December, at the discretion of the Board.

XX06.01 *Price Basis*—Minimum price fluctuations shall be in multiples of one sixty-fourth (1/64) point per 100 points ($15.625 per contract). Par shall be on the basis of 100 points. Contracts shall not be made on any other price basis.

XX07.01 *Hours of Trading*—The hours of trading for future delivery in long term U.S. Treasury Notes shall be determined by the Board. On the last day of trading in an expiring future, the closing time for such future shall be 12:00 noon, subject to the provisions of the second paragraph of Rule 1007.00. The market shall be opened and closed with a public call made month by month, conducted by such persons as the Pit Committee or the Board shall direct.

XX08.01 *Trading Limits*—Trading is prohibited during any day in futures contracts of long term U.S. Treasury Notes at prices more than three-quaters of a point ($750 per unit of trading) above or below the Board of Trade Clearing Corporation settlement prices for such contracts on the previous business day. These provisions shall not apply to trading in the current month on and after the first notice day thereof.

XX09.01 *Last Day of Trading*—No trades in long term U.S. Treasury Note futures deliverable in the current month shall be made during the last seven business days of that month and any contracts remaining open must be settled by delivery or as provided in Regulation XX09.02 after trading in such contracts has ceased.

XX09.02 *Liquidation in the Last Seven Days of Delivery Months*—After trading in contracts for future delivery in the current delivery month has ceased in accordance with Regulation XX09.01 of this chapter, outstanding contracts may be liquidated by the delivery of book-entry U.S. Treasury Notes or Bonds (Regulation XX42.01) or by mutual agreement by means of a bona fide exchange of such current futures for actual U.S. Treasury Notes or Bonds or comparable instruments. Such exchange must, in any event be made no later than the fifth business day immediately preceding the last business day of the delivery month.

Delivery Procedures

XX36.01 *Standards*—The contract grade for delivery on futures contracts made under these regulations shall be U.S. Treasury Notes and non-callable U.S. Treasury Bonds which have an actual maturity of not less than six and one-half years and not more than ten years. All notes or bonds delivered against a contract must be of the same issue. For settlement, the time to maturity of a given issue is calculated in complete *quarter year* increments (i.e. 8 years, 10 months, 17 days is taken to be 8 years, 9 months) from the first day of the delivery month. The price at which a note or bond with this time to maturity and with the same coupon rate as this issue will yield 8%, according to bond tables prepared by the Financial Publishing Co. of Boston, Mass., is multiplied by the settlement price to arrive at the amount at which the short invoices the long.

Interest accrued on the notes shall be charged to the long by the short in accordance with Department of the Treasury Circular 300, Subpart P.

New issues of U.S. Treasury Notes and Bonds which satisfy the standards in this regulation shall be added to the deliverable grade as they are issued. The Board shall have the right to exclude any new issue from deliverable status or to further limit outstanding issues from deliverable status.

XX42.01 *Deliveries of Futures Contracts*—Deliveries against long term U.S. Treasury Note futures contracts shall be by book-entry transfer between accounts of Clearing Members at qualified banks (Regulation XX80.01) in accordance with Department of Treasury Circular 300, Subpart 0: Book-Entry Procedure. Delivery must be made no later than the last business day of the month. Notice of intention to deliver shall be given to the Board of Trade Clearing Corporation by 8:00 p.m. on the second business day preceding delivery day; except that, if delivery is to be made on the last business day of the month, notice of intention to deliver may be given to the Clearing Corporation until 2:00 p.m. on the business day preceding delivery day (Regulation 1049.01). In the event the long Clearing Member does not agree with the terms of the invoice received from the short Clearing Member, the long Clearing Member must notify the short Clearing Member, and the dispute must be settled by 9:30 a.m. on delivery day. The short Clearing Member must have the bonds in acceptable (to his bank) delivery form by 10:00 a.m. on delivery day. The long Clearing Member must notify his bank (Regulation XX80.01) to accept contract grade instruments and to remit federal funds to the short Clearing Member's account at the short Clearing Member's bank (Regulation XX80.01) before 1:00 p.m. on delivery day. All deliveries must be assigned by the Clearing Corporation. Where a commission house as a member of the Clearing Corporation has an interest both

long and short for customers on its own books, it must tender to the Clearing Corporation such notices of intention to deliver as it received from its customers who are short.

XX42.02 *Wire Failure*—In the event that delivery cannot be accomplished because of a failure of the Federal Reserve wire or because of a failure of either the long Clearing Member's bank or the short Clearing Member's bank access to the Federal Reserve wire, delivery shall be made before 9:30 a.m. on the next business day on which the Federal Reserve wire is operable. Interest shall accrue to the long paid by the short beginning on the day at which the notes were to be originally delivered.

In the event of such failure, both the long and short must provide documented evidence that the instructions were given to their respective banks in accordance with Regulations XX41.01 and XX49.04 and that all other provisions of Regulations of XX42.01 and XX49.04 have been complied with.

XX46.01 *Date of Delivery*—Delivery of long term U.S. Treasury Notes may be made by the short upon any permissible delivery day of the delivery month the short may select. Delivery of long term U.S. Treasury Notes must be made no later than the last business day of that month.

XX49.03 *Seller's Invoice to Buyers*—Upon determining the buyers obligated to accept deliveries tendered by issuers of delivery notices, the Clearing House shall promptly furnish each issuer the names of the buyers obligated to accept delivery from him and a description of each commodity tendered by him which was assigned by the Clearing House to each such buyer. Thereupon, sellers (issuers of delivery notices) shall prepare invoices addressed to their assigned buyers describing the documents to be delivered to each such buyers. Such invoices shall show the amount which buyers must pay to sellers in settlement of the actual deliveries, based on the delivery prices established by the Clearing House, and adjusted for applicable interest payments. Such invoices shall be delivered to the Clearing House by 2 p.m. on the day of intention. Upon receipt of such invoices, the Clearing House shall promptly make them available to buyers to whom they are addressed, by placing them in buyers' mail boxes provided for that purpose in the Clearing House.

XX49.04 *Payment*—Payment shall be made in federal funds. The long obligated to take delivery must take delivery and make payment before 1:00 p.m. on the day of delivery, except on banking holidays when delivery must be taken and payment made before 9:30 a.m. the next banking business day. Adjustments for differences between contract prices and delivery prices established by the Clearing House shall be made with the Clearing House in accordance with its by-laws and resolutions.

Regularity of Banks

XX80.01 *Banks*—For purposes of these regulations relating to trading in long term U.S. Treasury Notes, the word "Bank" (Regulation XX42.01) shall mean a U.S. commercial bank (either Federal or State charter) that is a member of the Federal Reserve System and with capital (capital, surplus, and undivided earnings) in excess of one hundred million dollars ($100,000,000).

Other materials submitted by the CBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CBT in support of its application for contract market designation, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by June 15, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on April 9, 1981.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 81-11323 Filed 4-14-81; 8:45 am]

BILLING CODE 6351-01-M

Chicago Board of Trade's Proposed Short-Term United States Treasury Note Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed futures contract.

SUMMARY: The Chicago Board of Trade ("CBT") has applied for designation as a contract market in short-term United States Treasury notes having a face value at maturity of one hundred thousand dollars or multiples thereof. The proposed futures contract calls for the delivery of United States Treasury notes and non-callable bonds with maturities ranging from one year and nine months to two years. The Commodity Futures Trading Commission ("Commission") has determined that the proposed terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, publication of the proposed terms and conditions is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 15, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to CBT Short-Term United States Treasury Note Futures Contract.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–8955; or Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., (202) 254–7303.

SUPPLEMENTARY INFORMATION: The terms and conditions of CBT's proposed short-term United States Treasury note futures contract are as follows:

Short Term U.S. Treasury Notes Futures Contract

XX02.01 *Application of Regulation*—Futures transactions in short term U.S. Treasury Notes shall be subject to the general rules of the Association as far as applicable and shall also be subject to the regulations contained in this chapter, which are exclusively applicable to trading in short term U.S. Treasury Notes.

XX03.01 *Emergencies, Acts of God, Acts of Government*—If the delivery or acceptance or any precondition or requirement of either, is prevented by strike, fire, accident, act of government, act of God or other emergency, the seller or buyer shall immediately notify the Chairman. If the Chairman determines that emergency action may be necessary, he shall call a special meeting of the Board and arrange for the presentation of evidence respecting the emergency condition. If the Board determines that an emergency exists, it shall take such action under Rule 180.00 as it deems necessary under the circumstances and its decision shall be binding upon all parties to the contract. For example, and without limiting the Board's power, it may extend delivery dates and designate alternative delivery points in the event of conditions interfering with the normal operations of approved facilities.

In the event the Board determines that there exists a shortage of deliverable U.S. Treasury Notes, it may, upon a two-thirds vote under Rule 180.00, take such action as may be in the Board's sole discretion appear necessary to prevent, correct or alleviate the condition. Without limiting the foregoing or

the authority of the Board under Rule 180.00, the Board may:

(1) designate as deliverable, callable U.S. Treasury Bonds otherwise meeting the specifications and requirements stated in this chapter;

(2) designate as deliverable one or more issues of U.S. Treasury Notes and/or U.S. Treasury Bonds having maturities shorter than one year, nine months or longer than two years and otherwise meeting the specifications and requirements stated in this chapter; and/or

(3) determine a cash settlement based on the current cash value of an 8% coupon rate, one year nine months to two years U.S. Treasury Note, as determined by using the current market yield curve for U.S. Treasury securities on the last day of trading.

XX04.01 *Unit of Trading*—The unit of trading shall be United States Treasury Notes having a face value at maturity of one hundred thousand dollars ($100,000) or multiples thereof.

XX05.01 *Months Traded In*—The months listed for trading are March, June, September, and December plus the two nearby non-quarter months at the discretion of the Board.

XX06.01 *Price Basis*—Minimum price fluctuations shall be in multiples of one sixty-fourth (1/64) point per 100 points ($15.625 per contract). Par shall be on the basis of 100 points. Contracts shall not be made on any other price basis.

XX07.01 *Hours of Trading*—The hours of trading for future delivery in short term U.S. Treasury Notes shall be determined by the Board. On the last day of trading in an expiring future, the closing time for such future shall be 12:00 noon, subject to the provisions of the second paragraph of Rule 1007.00. The market shall be opened and closed with a public call made month by month, conducted by such persons as the Pit Committee or the Board shall direct.

XX08.01 *Trading Limits*—Trading is prohibited during any day in futures contracts of short term U.S. Treasury Notes at prices more than one-half of a point ($500 per unit of trading) above or below the Board of Trade Clearing Corporation settlement prices for such contracts on the previous business day. These provisions shall not apply to trading in the current month on and after the first notice day thereof.

XX09.01 *Last Day of Trading*—No trades in short term U.S. Treasury Note futures deliverable in the current months shall be made during the last seven business days of that month and any contracts remaining open must be settled by delivery or as provided in Regulation XX09.02 after trading in such contracts has ceased.

XX09.02 *Liquidation in the Last Seven Days of Delivery Months*—After trading in contracts for future delivery in the current delivery month has ceased in accordance with Regulation XX09.01 of this chapter, outstanding contracts may be liquidated by the delivery of book-entry U.S. Treasury Notes or Bonds (Regulation XX42.01) or by mutual agreement by means of a bona fide exchange of such current futures for actual U.S. Treasury Notes or Bonds or comparable instruments. Such exchange must, in any event be made no later than the fifth business day immediately preceding the last business day of the delivery month.

Delivery Procedures

XX36.01 *Standards*—The contract grade for delivery on futures contracts made under these regulations shall be U.S. Treasury Notes and non-callable U.S. Treasury Bonds which have an actual maturity of not less than one year, nine months and not more than two years. All notes or bonds delivered against a contract must be of the same issue. For settlement, the time to maturity of a given issue is calculated in complete *one month* increments (i.e. 1 year, 10 months, 17 days is taken to be 1 year, 10 months) from the first day of the delivery month. The price at which a note or bond with this time to maturity and with the same coupon rate as this issue will yield 8%, according to bond tables prepared by the Financial Publishing Co. of Boston, Mass., is multiplied by the settlement price to arrive at the amount at which the short invoices the long.

Interest accrued on the notes shall be charged to the long by the short in accordance with Department of the Treasury Circular 300, Subpart P.

New issues of U.S. Treasury Notes and Bonds which satisfy the standards in this regulation shall be added to the deliverable grade as they are issued. The board shall have the right to exclude any new issue from deliverable status or to further limit outstanding issues from deliverable status.

XX42.01 *Deliveries on Future Contracts*—Deliveries against short term U.S. Treasury Note futures contracts shall be by book-entry transfer between accounts of Clearing Members at qualified banks (Regulation XX80.01) in accordance with Department of Treasury Circular 300, Subpart 0: Book-Entry Procedure. Delivery must be made no later than the last business day of the month. Notice of intention to deliver shall be given to the Board of Trade Clearing Corporation by 8:00 p.m. on the second business day preceding delivery day; except that, if delivery is to be made on the last business day of the month, notice of intention to deliver may be given to the Clearing Corporation until 2:00 p.m. on the business day preceding delivery day (Regulation 1049.01). In the event the long Clearing Member does not agree with the terms of the invoice received from the short Clearing Member, the long Clearing Member must notify the short Clearing Member, and the dispute must be settled by 9:30 a.m. on delivery day. The short Clearing Member must have the bonds in acceptable (to his bank) delivery form by 10:00 a.m. on delivery day. The long Clearing Member must notify his bank (Regulation XX80.01) to accept contract grade instruments and to remit federal funds to the short Clearing Member's account at the short Clearing Member's bank (Regulation XX80.01) before 1:00 p.m. on delivery day. All deliveries must be assigned by the Clearing Corporation. Where a commission house as a member of the Clearing Corporation has an interest both long and short for customers on its own books, it must tender to the Clearing Corporation such notices of intention to deliver as it received from its customers who are short.

XX42.02 *Wire Failure*—In the event that delivery cannot be accomplished because of a failure of the Federal Reserve wire or because of a failure of either the long Clearing Member's bank or the short Clearing Member's bank access to the Federal Reserve wire, delivery shall be made before 9:30 a.m. on the next business day on which the Federal Reserve wire is operable. Interest shall accrue to the long paid by the short beginning on the day at which the notes were to be originally delivered.

In the event of such failure, both the long and short must provide documented evidence that the instructions were given to their respective banks in accordance with Regulations XX41.01 and XX49.04 and that all other provisions of Regulations of XX42.01 and XX49.04 have been complied with.

XX46.01 *Date of Delivery*—Delivery of short term U.S. Treasury Notes may be made by the short upon any permissible delivery day of the delivery month the short may select. Delivery of short term U.S. Treasury Notes must be made no later than the last business day of that month.

XX49.03 *Seller's Invoice to Buyers*—Upon determining the buyers obligated to accept deliveries tendered by issuers of delivery notices, the Clearing House shall promptly furnish each issuer the names of the buyers obligated to accept delivery from him and a description of each commodity tendered by him which was assigned by the Clearing House to each such buyer. Thereupon, sellers (issuers of delivery notices) shall prepare invoices addressed to their assigned buyers describing the documents to be delivered to each such buyers. Such invoices shall show the amount which buyers must pay to sellers in settlement of the actual deliveries, based on the delivery prices established by the Clearing House, and adjusted for applicable interest payments. Such invoices shall be delivered to the Clearing House by 2 p.m. on the day of intention. Upon receipt of such invoices, the Clearing House shall promptly make them available to buyers to whom they are addressed, by placing them in buyers' mail boxes provided for that purpose in the Clearing House.

XX49.04 *Payment*—Payment shall be made in federal funds. The long obligated to take delivery must take delivery and make payment before 1:00 p.m. on the day of delivery, except on banking holidays when delivery must be taken and payment made before 9:30 a.m. the next banking business day. Adjustments for differences between contract prices and delivery prices established by the Clearing House shall be made with the Clearing House in accordance with its by-laws and resolutions.

Regularity of Banks

XX80.01 *Banks*—For purposes of these regulations relating to trading in short term U.S. Treasury Notes, the word "Bank" (Regulation XX42.01) shall mean a U.S. commercial bank (either Federal or State charter) that is a member of the Federal Reserve System and with capital (capital, surplus, and undivided earnings) in excess of one hundred million dollars ($100,000,000).

Other materials submitted by the CBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CBT in support of its application for contract market designation, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by June 15, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on April 9, 1981.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 81-11324 Filed 4-14-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Wednesday, 13 May 1981, Pomponio Plaza, Rosslyn, Virginia. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the United States Code and therefore will be closed to the public. Subject matter will be used in a study on foreign collection systems.

M. S. Healy,

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

April 9, 1981.

[FR Doc. 81-11343 Filed 4-14-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of the DIA Advisory Committee will be held as follows:

Tuesday and Wednesday, 2–3 June 1981, The Pentagon, Washington, D.C. The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

M. S. Healy,

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

April 9, 1981.

[FR Doc. 81-11344 Filed 4-14-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Tuesday and Wednesday, 23–24 June 1981, Pomponio Plaza, Rosslyn, Virginia. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on Soviet naval trends.

M. S. Healy,

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

April 9, 1981.

[FR Doc. 81-11345 Filed 4-14-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

National Petroleum Council, Land Use Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Land Use Task Group of the Committee on Environmental Conservation will meet in May 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Land Use Task Group meeting follows:

The Land Use Task Group will hold its fourth meeting on Tuesday, May 5, 1981, at 10:30 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, N.W., Washington, D.C.

The tentative agenda for the meeting follows:

1. Review Task Group drafts.
2. Discuss any other matters pertinent to the overall assignment of the Land Use Task Group.

The meeting is open to the public. The Chairman of the Land Use Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Land Use Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 10, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

April 10, 1981.

[FR Doc. 81-11413 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Synthetic Fuels Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Synthetic Fuels Task Group of the Committee on Environmental Conservation has rescheduled its meeting for May 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Synthetic Fuels Task Group meeting follows:

The Synthetic Fuels Task Group has rescheduled its sixth meeting from May 14, 1981, to Wednesday, May 13, 1981, at 9:00 a.m., in the Vista Room, at The Fairmont Hotel, 1750 Welton Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Review preliminary draft of Task Group report.
2. Discuss any other matters pertinent to the overall assignment of the Synthetic Fuels Task Group.

The meeting is open to the public. The Chairman of the Synthetic Fuels Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Synthetic Fuels Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE-190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 10, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

April 10, 1981.

[FR Doc. 81-11414 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Proposed 1981 Wholesale Power Rate Adjustment and Proposed 1981 Transmission Rate Adjustment

Close of Comment Period

AGENCY: Bonneville Power Administration, Department of Energy.

ACTION: Close of comment period on proposed 1981 wholesale power rate adjustment and proposed 1981 transmission rate adjustment.

SUMMARY: On February 17, 1981, Bonneville Power Administration (Bonneville) announced its proposed wholesale power rate adjustment (46 FR 12668) and its proposed transmission rate adjustment (46 FR 12659). Public hearings on both proposals began March 2, 1981, and are schedule to end April 29, 1981. April 29, 1981 is the last day written comments will be received for consideration in the final rate adjustment proposals.

DATES: Written comments on the proposed 1981 rate adjustments will be accepted through the close of business on April 29, 1981. Comments received after that date cannot be considered in the development of the final rate proposal.

ADDRESSES: Written comments should be submitted to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212; the telephone number is (503) 234-3361, ext. 4261. Bonneville maintains toll-free lines for use within the region. Oregon callers may use 1-800-452-8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1-800-547-6048. Messages and requests for information received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines. Information is also available from Ronald H. Wilkerson, Spokane Area Manager, Room 561, U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, (509) 456-2518; Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, (406) 755-6202; Ronald K. Rodeweld, Wenatchee District Manager, Suite 117, Morris Building, 23 South Wenatchee Street, Wenatchee, Washington 98801, (509) 662-4377; John H. Jones, Portland Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, (503) 234-3361, ext. 4551; Ladd Sutton, Eugene District Manager, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon 97401, (503) 345-0311; Randall W. Hardy, Seattle Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, (206) 442-4130; Roy Nishi, Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362, (509) 525-5500, ext. 701; Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, (208) 523-2706.

SUPPLEMENTARY INFORMATION: On February 17, 1981, Bonneville announced its proposed wholesale power rate adjustment (46 FR 12668) and its proposed transmission rate adjustments (46 FR 12659). Hearings on the proposed wholesale power and transmission rates began March 2, 1981, in Portland, Oregon. Bonneville invited interested persons to review the proposed rates and the supporting studies, to participate in the hearings, and to submit written comments until the close of the hearings. The hearings are scheduled to end April 29, 1981. The last day for receipt of written comments is April 29, 1981. During the development of the final rate proposals, Bonneville will evaluate all written and oral comments received in this process. Because of the consideration of public comments, or due to more current data, the final rate proposals will likely differ from the rates in the original Notices.

Dated: April 10, 1981.

Earl G. Gjelde,

Administrator.

[FR Doc. 81-11514 Filed 4-14-81; 9:21 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 78-15-NG]

El Paso Natural Gas Co.; Petition To Amend Export Authorization

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Petition to Amend Export Authorization.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy gives notice of receipt on March 23, 1981, of a petition of El Paso Natural Gas Company (El Paso) to amend an existing authorization to export natural gas to Mexico. El Paso proposes to export natural gas to Petroleos Mecicanos (Pemex) in lieu of Compania Minera de Cananea, S.A. de C.V. (Compania Minera) as currently authorized. The petition is filed with ERA pursuant to Section 3 of the Natural Gas Act and the Secretary of Energy's Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed on or before April 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Leonard B. Levine (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, RG-55, Washington, D.C. 20461, (202) 653-3286;

James G. Beste (Deputy Assistant General Counsel for Natural Gas and Mineral Leasing), Department of Energy, 1000 Independence Ave., S.W., Room 5E-074, GC-15, Washington, D.C. 20585, (202) 252-1202.

SUPPLEMENTARY INFORMATION: El Paso currently exports natural gas to Compania Minera under an authorization granted in DOE/ERA Opinion and Order No. 18, issued August 21, 1980, and Opinion and Order No. 18D, issued October 17, 1980. These ERA orders authorized El Paso to export natural gas to Mexico subject to the condition that the price charged was the same as the price charged for Mexican exports of natural gas to the United States. Furthermore, we ordered El Paso to credit the difference between the contractual price and the actual price to El Paso's Federal Energy Regulatory Commission (FERC) Account 191.

El Paso now asks that Pemex be substituted for Compania Minera as the Mexican importer. According to El Paso's petition, "[t]he substitution of Pemex for [Compania Minera] creates the opportunity for Pemex and [Compania Minera] to mutually determine, as a matter of internal Mexican affairs, the extent to which (if any) Pemex will subsidize the rates ultimately to be charged" Compania Minera.

In addition, since the pricing provisions of the new gas sales contract contain surcharges consistent with El Paso's FERC gas tariff, El Paso also requests that the credit to FERC Account 191 be adjusted to permit El Paso to retain all revenues collected according to the new contract.

OTHER INFORMATION: ERA invites protests or petitions for intervention in the proceeding. Such protests or petitions are to be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8 and 1.10). Such protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on April 30, 1981.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the petition should file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

A hearing will not be held unless a motion for a hearing is made by any party or persons seeking intervention and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. If a hearing is required, due notice will be given.

A copy of the petition is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holiday.

Issued in Washington, D.C. on April 9, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic regulatory Administration.

[FR Doc. 81-11411 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP80-93, et al.]

Border Gas, Inc.; Petition for Rate Increase and Request for Passthrough

April 9, 1981.

Take notice that on March 26, 1981, Border Gas, Inc. (Border) filed a petition, pursuant to Section 4 of the Natural Gas Act, wherein it requests that the Commission permit Border under its tariff presently on file with the Commission to pass through to its pipeline purchases an increased price of $4.94 per MMBtu for the importation of natural gas from Mexico, effective april 1, 1981. Border also states that it be authorized to request that the Commission grant similar passthrough approvals to Border's pipeline purchasers.

Border states that it has concurrently filed at the Economic Regulatory Administration its petition requesting authorization to pay Petroleos Mexicanos an increased price of $4.94 per MMBtu, effective April 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11383 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-397-000]

Commonwealth Edison Co. of Indiana, Inc.; Proposed Tariff Change

April 9, 1981.

The filing Company submits the following:

Take notice that Commonwealth Edison Company of Indiana, Inc., on April 1, 1981, tendered for filing proposed changes in its FERC Electric Service Tariffs, FERC Nos. 7 and 8. The proposed changes would increase revenues from jurisdictional sales and services by $7,674,762.00 based on the 12-month period ending December 31, 1980.

The Company states that the proposed changes would increase the rate of return earned by Commonwealth Edison Company of Indiana, Inc. to a level more nearly reflecting the current cost of money.

Copies of the filing were served upon Edison of Indiana's jurisdictional customer, the Illinois Commerce Commission and the Indiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11384 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-389-000]

Iowa-Illinois Gas & Electric Co.; Filing

April 9, 1981.

The filing Company submits the following:

Take notice that Iowa-Illinois Gas and Electric Company (Company), on March 31, filed an Appendix A addendum Facilities Schedule No. 4 (Substation R) dated March 26, 1981, pursuant to a Facilities Agreement of October 29, 1973, with Corn Belt Power Cooperative (Corn Belt), proposed to become effective not later than the date of the inservice condition of Company's new Substation R and 69-kV transmission line, and related interconnection with Corn Belt's facilities in Calhoun County, Iowa.

Upon completion of the interconnection of the additional facilities to Corn Belt's system, Corn Belt with serve Company's Substation R, for which Company will pay a delivery charge and compensate for losses, the power and energy necessary therefor being supplied by Company to Corn Belt through another common and existing point of connection. Company states the effectuation of Facilities Schedule No. 4 will provide greater reliability to its existing lower voltage services in Webster and Calhoun Counties, Iowa.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11385 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5404-000]

K. W. INc.; Application for Exemption Form Licensing of a Small Hydroelectric Project of Five Megawatts of Less

April 9, 1981.

Take notice that K. W. Incorporated (Applicant) filed on March 9, 1981, an application for exemption from all or 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] for proposed Project No. 4304 to be know as the Pleasant River Project located on the Pleasant River in the Town of Columbia Falls, Washington County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John W. Senders, Columbia Falls, Maine 04623. Any person who wished to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the-river project would conistof existing project works including (1) an existing 6 to 14-foot high, 410-foot long concrete dam, portions of which will be reparied or replaced; (2) a one-acre pond; (3) new fish ladders near the left and right abutments; (4) a new 50-foot long concrete penstock; (5) a new powerhouse containing multiple units with a total rated capacity of 500 KW; (6) a 100-foot long transmission line; and (7) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 1,800,000 kWh.

Purpose of Project—Energy produced at the project would be sold to Bangor-Hydro Electric Company.

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 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.—Any qualified licensed applicant desiring to file a competing application must submit to the Commission on or before May 29, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 28, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 29, 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

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[1] Public Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

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. 4304. 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. 81-11388 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-398-000]

New England Power Co.; Filing

April 9, 1981.

The filing Company submits the following:

The Federal Energy Regulatory Commission issues notice that on April 1, 1981, New England Power Company ("NEP") filed revisions to its rates for Primary Service for Resale, Contract Demand Service, and System Power Unreserved Service, and amendments to Contracts with Green Mountain Power Corporation and with the Town of Hudson Light and Power Department, incorporating an Oil Conservation Adjustment charge ("OCA"). The Company proposes that the filings be made effective on June 1, 1981.

NEP states that acceptance of the OCA charge will permit it to recoup the OCA charges paid to Holyoke Power and Electric Company as a result of the tariff changes approved in Docket No. ER81-165 and allow it to initiate the conversion of Salem Harbor Units 1, 2 and 3 from oil to coal as soon as it obtains a Delayed Compliance Order from the Environmental Protection Agency. As a result of the conversion the Company estimates that fuel charges will be reduced substantially. The Company intends to flow the full fuel cost reduction to its customers through its fuel adjustment clause but seeks to recoup two-thirds of the savings through the OCA. The OCA charge will terminate when NEP no longer is obligated to pay OCA charges to Holyoke and has been reimbursed for the cost of converting the Salem Harbor units to coal.

Any person desiring to be heard or to make any protest with reference to this filing should on or before April 28, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of the filing and supporting documents are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11387 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-47-000]

Northwest Pipeline Corp.; Proposed Changes in FERC Gas Tariff

April 9, 1981.

Take notice that Northwest Pipeline Corporation ("Northwest"), on March 31, 1981 tendered for filing proposed changes in its FERC Gas tariff, First Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase jurisdicational revenues by $115,732,380, inclusive of transportation services, annually based on the twelve-month period ending December 31, 1980, as adjusted. Northwest also proposed changes in Original Volume No. 2 of its FERC Gas Tariff to provide for uniform rates for mainline and area gathering rates and fuel use allowances. Northwest has requested that the increased rates be made effective on May 1, 1981.

Northwest states that the requested rate increase is to recover its jurisdictional cost of service for the twelve months ended December 31, 1980, as adjusted for changes through September 30, 1981. Northwest states that the principal reasons for the requested increases are:

(1) Increased special overriding royalty costs; (2) increased costs associated with expansion of gas supply and other facilities: (3) increased operation and maintenance expenses, including landowner royalties; (4) increase in rate of return to 13.92 percent in order to compensate for high cost of capital; and (5) decreased sales volumes.

Northwest states that copies of this filing were served on the Company's jurisdictional customers and affected state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11388 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP-75-73-024, et al.]

Texas Eastern Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

April 9, 1981.

Take notice that the pipelines listed in the appendix hereto have submitted to the commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 24, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
3/23/81	Texas Eastern Transmission Corp.	RP75-73-024	Report.
3/24/81	Natural Gas Pipe Line Co. of America.	RP-80-11-004.	Report.
3/24/81	Trunkline Gas Co.	RP74-89-002	Report.
3/25/81	Algonquin Gas Transmission Co.	CP77-337	Petition and plan.

Appendix—Continued

Filing date	Company	Docket No.	Type filing
3/30/81	Alabama Tennessee Natural Gas Co.	RP73-113-006.	Report.
4/1/81	National Fuel Gas Supply Corp.	TA80-1-16.....	Report.
4/1/81	Midwestern Gas Transmission Co.	RP80-23-007...	Report.
4/1/81	El Paso Natural Gas Co.	RP79-12-012...	Report.

[FR Doc. 81-11389 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of March 2 Through March 6, 1981

During the week of March 2 through March 6, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Charles L. Feltus, 3/6/81, *BFA-0603*

Charles L. Feltus filed an Appeal from two denials by the Personnel Officer and the Regional Representative for DOE Region IV of a Request for Information which he had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the two documents which were initially withheld by the denying officials were exempt from mandatory public disclosure pursuant to Exemption 5 of the FOIA. Accordingly, Mr. Feltus' Appeal was denied.

Mobil Oil Corporation, 3/4/81, *BEA-0144*

Mobil Oil Corporation filed an Appeal from a State Set-Aside Order issued by the Energy Division of the State of Connecticut Office of Policy and Management. The State Set-Aside Order directed Mobil to supply Fuel Oils, Inc. of Stamford, Connecticut with 50,000 gallons of #2 heating oil pursuant to 10 CFR 211.17(a). In considering the Appeal, the DOE found that any reduction in supplies of #2 heating oil suffered by Mobil's regular customers was irrelevant to the propriety of the Order. However, the DOE agreed with Mobil's contention that the Order was defective in that it did not contain sufficient findings to establish the factual basis upon which such an Order must be predicated. Accordingly, the DOE rescinded the State Set-Aside Order.

Stephen M. Shaw, 3/6/81/ *BFA-0606*

Stephen M. Shaw filed an Appeal from a determination issued to him by the Director of the Division of Freedom of Information and Privacy Acts Activities in which the Director declined to waive search and copying fees in connection with a request for information which Mr. Shaw had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that a waiver of fees would not be in the public interest. Accordingly, Shaw's Appeal was denied.

Skyline Radio Taxi Association, et al. 3/6/81, *BEA-0421*

Seven taxi associations located in New York City appealed a determination issued by the Office of Petroleum Operations denying their application for the assignment of a supplier and base period allocation of motor gasoline. The appellants argued, in part, that, notwithstanding the decontrol of motor gasoline, they were entitled to an allocation under Special Rule No. 9. The DOE found that Special Rule No. 9 had no application either to taxis or to motor gasoline, and that the remaining arguments raised by the appellants in their appeal were rendered moot by the executive order decontrolling motor gasoline. Executive Order 12,187, 46 FR 9909 (1981). Accordingly, their appeal was dismissed.

Remedial Order

Julie L. Williams, 3/5/81, *BFA-0600*

Julie L. Williams filed an Appeal from a denial by the Southwest District Manager of the Economic Regulatory Administration of a request for information which she had filed under the Freedom of Information Act. The District Manager had denied her request for copies of formal enforcement documents involving certain named firms on the ground that his office possessed no documents responsive to the request. In considering the Appeal, the DOE noted that copies of formal enforcement documents are kept on file in the DOE Public Reading Room and that material available in an agency public reading facility is not an appropriate subject for a Freedom of Information request. Accordingly, the DOE dismissed the Appeal.

Wallace Barnes d/b/a North Eastham Exxon, 3/3/81, BRO-1318

Wallace Barnes d/b/a North Eastham Exxon objected to a Proposed Remedial Order which the Northeast District Officer of Enforcement issued to him on September 3, 1980. In the Proposed Remedial Order, the Office of Enforcement found that Barnes's retail outlet charged prices for motor gasoline in excess of those permitted by 10 CFR 212.93(a)(2) and that the outlet failed to post either its maximum allowable selling price or a price certification as required by 10 CFR 212.129(b). Because Barnes conceded the accuracy of the findings in the PRO that he violated DOE regulations, the DOE therefore concluded that the PRO should be issued as a final Order. The final Remedial Order was not made immediately effective, however, in order to enable Barnes to file an Application for Exception from its requirement that he refund the entire amount of overcharges plus interest in one lump sum payment.

Requests for Exception

Burlington Northern Inc., 3/3/81, *DEE-2104*

Burlington Northern Inc. filed an Application for Exception from the reporting requirements in Form EIA-28 (Energy Company Financial Reporting System). In its Application, the firm sought to be relieved of the obligation to prepare and submit the form. In considering the request, the DOE found that the firm had failed to establish that it is not properly classified as a reporting company under Form EIA-28 or that it is sustaining a disproportionate administrative burden resulting in a serious hardship and gross inequity by reason of its reporting obligation. Accordingly, exception relief was denied. The important issue discussed in the Decision and Order involves the definition of energy producing company as set forth in section 205(h)(6) of the Department of Energy Organization Act.

Conoco Inc., 3/2/81, BXE-1581

Conoco Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D in which the firm sought price relief for the crude oil produced from the Plum Bush Creek Unit in Washington County, Colorado. Exception relief was granted to permit Conoco Inc. to sell 47.33 percent of the crude oil produced and sold for the benefit of the working interest owners that qualify for the independent producer tax rate and 81.17 percent of the crude oil produced for the benefit of the remaining working interest owners at market prices. Conoco was permitted to sell the remainder of the working interests; share of production from the property at upper tier ceiling prices.

Looman Distributing, Inc., 3/4/81, BEE-1549

Looman Distributing, Inc. filed an Application for Exception from the reporting requirements of Form EIA-9A, No. 2 Distillate Price Monitoring Report. In its application, Looman alleged that the reporting requirements imposed a serious hardship on the firm and requested that the DOE issue an Order relieving the firm of the obligation to complete and submit Form EIA-9A. In considering the request, the DOE found that Looman failed to demonstrate that it was suffering a serious hardship but that the firm had shown that it was unable to comply with the reporting deadlines. Accordingly, exception relief was granted which gave Looman an extension of time in which to file its reports.

McMurrey Petroleum, Inc., 3/2/81, BEE-1546

McMurrey Petroleum, Inc. filed an Application for Exception from the provisions of 10 CFR 212.31 in which the firm sought to be permitted to certify according to its appropriate category the crude oil produced from the B. D. Everett No. 1 Lease in June 1980. In considering the request, the DOE found that McMurrey's prompt and good faith attempt to comply with the DOE crude oil certification requirements was frustrated by external circumstances and that exception relief was necessary to prevent McMurrey from experiencing a gross inequity under the DOE regulations. The firm's Application for Exception was therefore granted.

Merit Petroleum, Inc., 3/4/81, BEE-1637, BES-1637, BET-1637

Merit Petroleum, Inc. filed Applications for Temporary Stay and Stay and for an Exception from the requirement that it file a reply to a Notice of Probable Violation (NOPV) as required by 10 CFR 205.191. The

DOE determined that its submissions were premature and that Merit was obliged to answer the NOPV and interpose its arguments in the enforcement proceeding. The DOE therefore denied all three applications.

St. Louis County Police Department, 3/5/81, DEE-6617

The St. Louis County Police Department filed an Application for Exception from the Provisions of 10 CFR 211/102 in which the firm sought to be assigned a supplier and a base period allocation of motor gasoline. In considering the request, the DOE found that the applicant's concern does not relate to any adverse effect of DOE regulations upon its present operations, but rather the potential effect in the event that future restrictions are reimposed using the 1977/78 base period for gasoline allocations. Since speculation about future actions does not form a proper basis for exception relief, and since motor gasoline has been exempted from the DOE Mandatory Petroleum Allocation Regulations, the Police Department's Application for Exception was dismissed.

Sunland Oil, BEE-1537; Cochran Oil Co., 3/4/81, BEE-1544

Sunland Oil and Cochran Oil Co. filed Applications for Exception from the reporting requirements of Form EIA-9A, No. 2 Distillate Price Monitoring Report. In their Applications, Sunland and Cochran alleged that the reporting obligations imposed a serious hardship and requested that they be relieved of the requirement to submit Form EIA-9A. In considering the exception applications, the DOE found that neither Sunland or Cochran had demonstrated that the reporting requirements imposed a serious hardship or grossly inequitable burden on them or that their costs for completion of the form outweighed the benefits to the nation of access to their data. Accordingly, the applications were denied.

Motions for Evidentiary Hearing

Jack Halbert, 3/6/81, DRH-0160, DRD-0160

Jack Halbert filed Motions for Discovery and Evidentiary Hearing in connection with his Statement of Objections to a Proposed Remedial Order that the DOE Southwest District of Enforcement issued to him on December 18, 1978. The DOE denied as irrelevant Halbert's discovery request for materials which would tend to prove that operating the properties in question would not have been profitable if allegedly lawful prices had been charged. The DOE also pointed out that the Office of Enforcement had agreed to make the remaining materials available to Halbert for inspection and photocopying. The DOE therefore concluded that no discovery was warranted. Halbert also requested that he be permitted to file a complete Motion for Evidentiary Hearing upon receipt of documents obtained through discovery. Since no discovery was ordered in this proceeding, the DOE concluded that there was no need for an evidentiary hearing to be convened in connection with this matter. The DOE also determined that both Halbert and the Office of Enforcement should be permitted to file briefs supporting their respective positions concerning the issue of whether the condensate produced from two gas units owned by Halbert was associated or non-associated production.

T.N.T. INC., 3/6/81, BRH-1324

T.N.T. Inc. filed a Motion for Evidentiary Hearing in connection with a Statement of Objections which T.N.T. filed in opposition to a Proposed Remedial Order which was issued to the firm on September 23, 1980. In considering the Motion, the DOE determined that T.N.T. had failed to establish that there were disputed issues of fact that could best be resolved at an evidentiary hearing. Accordingly, the Motion for Evidentiary Hearing was denied.

Whirlpool Corp., 3/4/81, BEH-0019

The Whirlpool Corporation (Whirlpool) filed a Motion for Evidentiary Proceeding in connection with its Statement of Objections to a Proposed Decision and Order which was issued to the Hobart Corporation on February 26, 1980. In its Motion, Whirlpool requested that the DOE establish a mechanism for resolving an allegedly disputed factual issue related to the Hobart exception proceeding. In its determination, the DOE found that the Motion was not sufficiently specific to satisfy the requirements of 10 CFR 205.64, and that the submission could not be evaluated on the basis of the limited information provided by Whirlpool. Accordingly, Whirlpool's Motion for Evidentiary Proceeding was denied.

Motion for Discovery

Quaker State Oil Refining Corp., 3/6/81, BED-0795

Quaker State Oil Refining Corporation filed a Motion for Discovery in which it requested that the Office of Hearings and Appeals respond to interrogatories regarding a Proposed Decision and Order issued to the firm on November 25, 1980. In considering the Motion, the DOE determined that the firm failed to show that the information it requested is relevant or material or that the approval of the Motion would advance the resolution of any disputed factual issue in the case. Quaker's Motion for Discovery was therefore denied.

Supplemental Orders

Atlantic Richfield Company, Mobil Oil Corporation, Chevron U.S.A., Inc., Texaco, Inc., Marathon Oil Company, 3/6/81, BEX-0172

In a Decision and Order issued to the Petitioners on February 27, 1981, the DOE granted in part the Petitioners' request for discovery in connection with the objection phase of an exception proceeding in which Ashland Oil, Inc. was granted an allocation of crude oil to replace the supplies lost when former President Carter banned the importation of crude oil from Iran. This supplemental order rules on five interrogatories that were not discussed in the February 27 Order and corrects a typographical error that appeared in the Order.

Office of Special Counsel for Compliance, 3/2/81, BRX-0170

Pursuant to the Orders of the Office of Hearings and Appeals in *Texaco, Inc.*, 7 DOE ¶ 82,014 (1981), and *Office of Special Counsel*, 7 DOE ¶ —— (February 24, 1981), the Office of Special Counsel submitted for the OHA's *in camera* inspection a document withheld from discovery by Texaco, Inc. and the Louisiana Land and Exploration Company. The OHA found that the document was identical in material respects to another document which it ordered OSC to disclose in the prior *Office of Special Counsel* Order. Accordingly, the OSC was directed to disclose that document to the firms in accordance with the disclosure terms attaching to the prior document.

Sabre Refining, Inc., 3/2/81, BEX-0162

The Department of Energy issued a Supplemental Order to Sabre Refining, Inc. in order to implement an adjustment to a Decision and Order which was issued to the firm on September 26, 1980 (Case No. DEX-0044). The September 26, determination required Sabre to purchase entitlements over a twelve-month period which are equivalent in value to the excess entitlement exception relief that the firm received during a prior period. However, in view of the impending termination of the Entitlements Program, the Supplemental Order requires Sabre to complete its outstanding repayment obligation during March 1981. Accordingly, the Entitlement Notice issued during March 1981 will direct the firm to fulfill the total amount of its remaining repayment obligation.

The 341 Tract Unit of the Citronelle Field, 3/6/81, DEX-0173

In a Supplemental Order, the DOE determined that the Citronelle Unit should be permitted access to a portion of the funds in an escrow account that was set up in order that the Unit could implement an miscible fluid displacement project on the Citronelle Field. In a previous Order, the DOE determined that as a condition precedent to receiving access to the funds in the escrow account, the Citronelle Unit had to return the benefits that it had previously received through the tertiary incentive program. In order to return those regulatory benefits to the participants in the entitlements program, the DOE concluded that the Citronelle Unit should be placed on the March 1981 Entitlements List as a buyer of entitlements in the amount of $611,330.93.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Case No., and Location

The Somerset Refinery, Inc., BEN-1500, Wash., D.C.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name and Case No.

Alliance Oil & Refining Co., BRO-1333, BRD-1333
Allied Materials Corp., DEA-0563
Apollo Oil Company, DEE-7911, DST-7911

Atlanta International Airport, BEE-1189
Brenton Bank and Trust Company, DEE-7647
Busler Enterprises, Inc., DEE-5175
Champlin Petroleum Co., BEA-0240
La Gloria Oil and Gas Company, BEA-0207
County of Henrico, BEO-0199
Crazy Bait Center, BEO-0769
Crystal Oil Co., BEG-0042
E-Z Serve, Inc., BEE-1541, BES-0112
First Church of Nazarene, BEO-0056
J&J Enterprises, BEE-1134
Jack Garrison Mobil, BEO-0396
Jacobs Standard Service, BEO-0061
James M. Kite, BEO-1070
Kaiser Aluminum and Chemical Corp., BEE-0398
Kansas-Nebraska Natural Gas Company, DEE-6970
Mapco, Inc., BEE-1568, BES-1568
Maruya's 76 Bay Service, DEE-8030
Midland Energy Corp., BXE-0756
Oakwood Midstate Auto/Truck Plaza Inc., BEO-0531
Pilot Petroleum Associates, Inc., DEE-2243
Poughquag Service Center, BEO-1042
Sun Oil of PA, BED-0540, BEJ-0074
The Market Basket, BEE-7360
Union Oil Co., BEA-0254
YWCA-YWCA of Lacrosse, WI, BEO-0457
Zake Hardi Exxon Service, BEO-0624

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

George B. Breznay,
Director, Office of Hearings and Appeals.
April 8, 1981.
[FR Doc. 81-11410 Filed 4-14-81; 8:45 am]
BILLING CODE 6450-01-M

Western Area Power Administration

Liberty-Coolidge Electrical Transmission Line, Maricopa and Pinal Counties, Arizona

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement and Opportunity for Comment.

Notice is hereby given that in accordance with the National Environmental Policy Act (NEPA) of 1969, the Western Area Power Administration (Western) has commenced preparation of an environmental impact statement (EIS) to assess the environmental implications of a proposed action to reconstruct the Liberty-Coolidge 115-kV and 161-kV electrical transmission lines. The proposed action would be located in Arizona in the counties of Maricopa and Pinal and in the Gila River Indian Reservation.

The 115-kV portion of the line which runs between Phoenix Substation and Collidge Substation is 38 years old, and inspections indicate that the wood poles are deteriorated and need to be replaced. Systems studies indicate a need for increased transfer capacity and transmission capability for southern Arizona which can be accomplished by upgrading the entire line from Liberty Substation to Coolidge Substation to 230-kV capacity.

A number of environmental issues have been identified. These include the possibilities of locating structures within floodplains or wetlands, impacting Federal or State listed or proposed threatened or endangered species or critical habitats, esthetic impacts, crossing irrigated or irrigable agricultural land, crossing the Gila River Indian Reservation, crossing through the proposed Hohokam Pima National Monument and causing an adverse effect on other historic or cultural properties that are included in or are eligible for inclusion in the National Register of Historic Places.

Alternatives currently planned to be assessed in the EIS include the no action alternative, rebuilding in the existing right-of-way, developing some new right-of-way and using part of the existing right-of-way and developing all new right-of-way.

It is planned that three scoping meetings will be held. One meeting will be in Phoenix, one in Sacaton, and one in Collidge. A separate public notice of the meetings will be issued to Federal, State, and local agency officials and the generalized public when the exact locations and dates have been finalized.

The draft EIS is tentatively scheduled to be released to the public for review and comment during March 1982. The final EIS is tentatively scheduled for release during June 1982.

All interested agencies, organizations, and persons are invited to submit questions, comments and suggestions.

DATES: Any comments are due April 30, 1981.

ADDRESS: Send comments or suggestions to: Mr. R. A. Olson, Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 87005.

FOR FURTHER INFORMATION CONTACT: Mr. Gary W. Frey, Environmental Manager, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Telephone: (303) 231-1527.

Issued at Golden, Colorado, April 6, 1981.
William H. Clagett,
Deputy Administrator.
[FR Doc. 81-11412 Filed 4-14-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-FRL 1764-6a]

Petition for Reconsideration of Waiver of Federal Preemption for California To Enforce Its NO_x Emission Standards and Test Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of denial.

SUMMARY: On July 30, 1980, Volvo of America Corporation (Volvo) petitioned for reconsideration of the Administrator's decision of June 14, 1978, allowing California to enforce its own NO_x emission standards and test for 1981 and later model year passenger cars [43 FR 25729]. The petitioner alleged that the Court's decision in *American Motors Corporation* v. *Blum* requires EPA to reconsider this California waiver decision in light of other waivers granted nationally pursuant to the Clean Air Act. In a letter and supporting memorandum sent to William Shapiro, Manager of Volvo's Regulatory Affairs Section, EPA denied the request for reconsideration. The text of that response is published below.

FOR FURTHER INFORMATION CONTACT: Deborah Schloss, Attorney/Advisor, Manufacturers Operations Division, Waivers Section, (EN-340), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION:

Note.—My decision to deny Volvo's request for reconsideration will affect not only persons in California but also manufacturers located outside the State who must comply with California's standards in order to produce passenger vehicles for sale in California. For this reason I hereby determine and find that this decision is of nationwide scope and effect. Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the District of Columbia circuit no later than sixty days from the date notice of this action appears in the **Federal Register.** 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.

Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to determine whether a "rule" it intends to issue is a major rule and to prepare Regulatory Impact Analyses (RIA) for all major rules. Section 1(b) of the Order defines "major rule" as any "regulation" (as defined in the Executive Order) that is likely to result in:

(1) An annual effect on the economy of $100 million or more.

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

EPA has determined that this action is not a "major rule" requiring preparation of an RIA. It will not have an annual effect on the economy of $100 million or more; it will not cause a major increase in prices; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign companies.

Since this action does not change the California emission standards that are already in effect, it does not have any economic impact at all. Further, EPA is now considering a waiver of Federal preemption for changes that California has already made in its NO_x emission standards that will accommodate diesel manufacturers, including Volvo.

Under the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. EPA has determined that this action will not have a significant economic impact on a substantial number of small entities. Volvo is not a "small entity" under the Act, nor are other automobile manufacturers that might be affected by this action.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at U.S. EPA, Manufacturers Operations Division, Marfair Building, second floor, 499 South Capitol St., Washington, D.C. 20460.

Dated: April 8, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

April 8, 1981.

Mr. William Shapiro,

Manager, Regulatory Affairs, Volvo of America Corporation, Rockleigh, New Jersey 07647

Dear Mr. Shapiro: I would like to respond to Volvo of America Corporation's ("Volvo") July 30, 1980 request for reconsideration of the waiver of Federal preemption for California's 1981 and subsequent model year passenger car No_x emission standards. (43 FR 25729, June 14, 1978). Volvo suggested that the Circuit Court's decision in *American Motors Corporation* v. *Blum*, 603 F. 2d 978 (D.C. Cir. 1979), requires me to reconsider the June 14, 1978 California waiver decision in order to take into account a diesel NO_x waiver granted Volvo (45 FR 5480, Jan. 23, 1980), as well as other waivers granted pursuant to the Clean Air Act (Act).

I am denying Volvo's request that I reconsider the California waiver for the following reasons that I explain more fully in the accompanying memorandum: (1) a grant of relief to a manufacturer under the Clean Air Act's waiver provisions does not automatically require the EPA to reopen its California waiver decision, as Volvo suggests in light of *American Motors Corporation* v. *Blum*, (2) there is no agency determination in any section 202(b) waiver decision inconsistent with determinations made in my California waiver decision, and (30 Volvo has not submitted new evidence to show that California's 1981 and later model year NO_x standards are technologically infeasible.

Without a clear presentation of new evidence supporting the contention that the California standards are not technologically feasible within available lead time considering cost, and thus inconsistent with section 202(a) of the Act, it would be inappropriate for me to reconsider my June 14, 1978 waiver decision. Volvo should initially seek relief through State channels. Accordingly, I am denying Volvo's petition.

Sincerely yours,

Walter C. Barber, Jr.,

Acting Administrator.

Memorandum in Support of EPA Denial of Volvo Petition for Reconsideration of Waiver of Federal Preemption for California's 1981 and Subsequent Model Year NO_x. Emission Standards For Passenger Cars

On July 30, 1980, Volvo of America Corporation (Volvo) submitted a petition for reconsideration of EPA's decision to grant a waiver of Federal preemption to permit California to enforce its own passenger car oxides of nitrogen (NO_x) emission standards for 1981 and later model years.[1] In its petition Volvo asserts that *American Motors Corporation* v. *Blum*[2] requires EPA to reconsider its June 14, 1978 waiver of Federal preemption relating to those California standards. In a waiver decsion of January 23, 1980, Volvo was granted relief from the 1981 and 1982 Federal NO_x standard pursuant to Section 202(b)(6)(B) of the Clean Air Act (Act).[3] Volvo contends that the "small-volume manufacturer" provision of the Act,[4] which is construed in *AMC* v. *Blum*, is a waiver provision comparable to Sections 202(b)(5)(A), 202(b)(6)(A) and 202(b)(6)(B) of the Act,[5] and that *AMC* v. *Blum* therefore requires the Administrator to take all such Federal waiver decisions into account when considering California's request for waivers of Federal preemption for its emission standards.[6]

Volvo has misconstrued the holding and effect of *AMC* v. *Blum*. As a matter of law, that case does not require reconsideration of California waivers whenever a Federal waiver under section 202(b) of the Act pertaining to a corresponding Federal requirement is granted. Further, Volvo has not presented sufficient evidence to lead the Administrator to reconsider his waiver of Federal preemption for California passenger car NO_x standards. Neither the January 23, 1980 diesel NOx waiver decision, nor other decisions under paragraphs 202(b) (5) and (6) of the Act to grant waivers of Federal emissions standards, establish that the 1981 and later model year California NO_x standards are not technologically feasible. In fact, the Administrator's findings in those Federal waiver decisions do not address the question of whether the 1981 and later model year California NO_x standards are technically feasible. Finally, Volvo has not submitted any new data which would require reconsideration of the Administrator's decision.

A. *AMC v. Blum does not require reconsideration of an EPA decision to grant California a waiver of Federal preemption simply because relief from Federal standards has been granted to certain vehicle models under other waiver provisions of the Clean Air Act.*

In its petition, Volvo attempts to expand the applicability of *AMC* v. *Blum* by analogy, characterizing the 202(b)(1)(B) small-volume manufacturer provision of the Act as a waiver provision that is similar to Sections 202(b)(5)(A), 202(b)(6)(A) and 202(b)(6)(B). *AMC* v. *Blum* dealt with a specific provision of the Act that grants additional lead time to meet a 1.0 gpm NO_x standard for light-duty vehicles to small-volume manufacturers that must purchase their emission control technology from other manufacturers.[7] The

[1] 43 FR. 25729, June 14, 1978.

[2] 603 F.2d 978 (D.C. Cir. 1979.

[3] Clean Air Act, § 101 *et seq.*, 42 U.S.C. § 7401 *et seq.*, as amended.

[4] Section 202(b)(1)(B), 42 U.S.C. § 7521(b)(1)(B).

[5] 42 U.S.C. §§ 7521(b)(5)(A), 7521(B)(6)(A) and 7521(b)(6)(B). These sections are, respectively, the carbon monoxide (CO), innovative technology NO_x, and diesel NO_x waiver provisions.

[6] Volvo Petition for Reconsideration of June 14, 1978 California Waiver, at 2, dated July 30, 1980 (hereinafter "Volvo Petition").

[7] Section 202(b)(1)(B) of the Act states in relevant part: "The Administrator shall prescribe standards in lieu of those required by the preceding sentence which provide that emissions of oxides of nitrogen may not exceed 2.0 grams per vehicle mile for any light-duty vehicle manufactured during model years 1981 and 1982 by any manufacturer whose production, by corporate identity, for calendar year

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small -volume manufacturer waiver provision is unique in that it embodies a Congressional finding that eligible manufacturers, principally AMC, should receive additional lead time to meet the 1.0 gpm No_x standard.[8]

The specific Congressional finding that under prescribed circumstances additional lead time is necessary is unique to the small-volume manufacturer provision, and is not present in the other sections of the Act. Moreover, the fact that Congress determined that qualified manfacturers such as AMC are entitled to additional lead time was the critical factor leading to the Court's decision.[9] *AMC* v. *Blum* did not involve or discuss other Federal waiver provisions, which, unlike section 202(b)(1)(B), do not reflect such a Congressional finding.

In order to appreciate the significance of this Congressional finding as the crux of the Court's reasoning in extending the applicability of the small-volume manufacturer provision of the Act to NOx standards covering passenger cars sold in California, a brief review of section 209(b) is helpful.[10] Section 209(b) *requires* the Administrator to grant the State of California a waiver of Federal preemption for its emission standards, after an opportunity for a public hearing, if the *State* determines that its standards are, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The only circumstances under which the Administrator cannot grant a waiver are where (1) California's determination that its standard would be at least as protective as Federal standards was arbitrary and capricious, (2) the State does not need such standards to meet compelling and extraordinary conditions, or (3) such State standards and accompanying enforcement procedures are not consistent with Section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with Section 202(a) if there is inadequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California certification procedures are inconsistent.[11]

The significance of the small-volume manufacturer provision, as viewed by the court in *AMC* v. *Blum*, becomes apparent when determining the technological feasibility of California's NO_x standards for qualifying small-volume manufacturers. The small-volume manufacturer waiver provision was interpreted by the court as a "proviso" to section 202(a) of the Act,[12] such that the determination of technological feasibility of the 1.0 gpm NO_x standard in question within available lead time is taken out of the hands of the Administrator [13] and is made by the unique Congressional finding of 202(b)(1)(B). The Court interpreted 202(b)(1)(B) as establishing, as a matter of law, that California's NO_x standards, like the Federal NO_x standards, must make provision for the extra lead time Congress itself found necessary for qualified small-volume manufacturers.[14] The Court held that the California waiver permitted enforcement of regulations which denied AMC the statutorily-mandated lead time and thus were inconsistent with Section 202(a) of the Act.[15]

The other waiver provisions of the Act, including the diesel NO_x waiver provision, are quite different from section 202(b)(1)(B). These other waiver provisions require a finding by the Administrator as to whether specific engine families are able to meet the emission standards. The Administrator must also make findings with regard to matters such as public health and welfare, good faith efforts by the manufacturers to comply, long-term air quality benefits, and fuel economy. In contrast, the small-volume manufacturer waiver provision requires only that the Administrator determine whether a manufacturer that applies for a waiver under 202(b)(1)(B) meets all the criteria that qualify it for additional lead time.

The Court in *AMC* v. *Blum* concluded that Congress had found that qualified small-volume manufacturers need additional time to meet the 1.0 gpm NO_x standard, Federally and in California. To provide the Administrator with an adequate basis for denying California a waiver for its NO_x standards without the benefit of 202(b)(1)(B)'s unique legislative finding of fact, Volvo has the burden under 209(b) of proving that meeting State emission limitations is not technologically feasible within the prescribed time.[16]

B. *Neither the first EPA diesel NO_x waiver decision, nor any other decision the Agency has made to grant waivers under sections 202(b)(5) and (6) of the Act establishes that California standards are inconsistent with section 202(a) of the Act so that reconsideration of the waiver of Federal preemption for those standards is warranted.*

Volvo asserts that *AMC* v. *Blum* "establishes a precedent that California motor vehicle standards must be consistent with Federal standards including the Federal standards established by appropriate waiver provisions of the Act".[17] It is not entirely clear what Volvo intended by this statement. Certainly the California standards need not be identical to their Federal counterparts, even those established in waiver decisions. An argument along those lines would be inconsistent with section 209(b) of the Act. Because California has special air pollution problems, section 209(b) permits the Administrator to waive Federal preemption to permit the State of California to implement its own air pollution control programs that are, in the aggregate, at least as protective as nationally applicable standards. The import of section 209(b) is not that California and Federal standards be identical, but that the Administrator not grant a waiver of Federal preemption where compliance with the California standards is not technologically

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1976 was less than three hundred thousand light-duty motor vehicles worldwide if the Administrator determines that:

(i) the ability of such manufacturer to meet emission standards in the 1975 and subsequent model years was, and is, primarily dependent upon technology developed by other manufacturers and purchased from such manufacturers; and

(ii) such manufacturer lacks the financial resources and technological ability to develop such technology."

[8] 123 Cong. Rec. 59232 (daily ed. June 9, 1977).

[9] AMC qualified for relief under section 202(b)(1)(B) because it demonstrated that pursuant to the requirements of that section, it produced under 300,000 light-duty vehicles worldwide, was vendor-dependent for emission control equipment, was financially unable to develop the necessary technology to meet 1.0 gpm NOx, and was unable to apply purchased technology in time to meet the 1981 and 1982 Federal emission standards. 44 FR 47880 (August 15, 1979).

[10] Section 209(b)(1) States:

The Administrator shall, after notice and opportunity for public hearing, waive application of this section to any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. No such waiver shall be granted if the Administrator finds that:

(A) the determination of the State is arbitrary and capricious,

(B) such State does not need such State standards to meet compelling and extraordinary conditions, or

(C) such State standards and accompanying enforcement procedures are not consistent with section 202(a) of this part.

[11] This approach to section 209(b) of the Act has been used consistently by EPA in California waiver decisions and was upheld by the Court in *MEMA* v. *EPA*, 13 ERC 1737, (D.C. Cir., August 3, 1979), *cert. denied*, 48 U.S.L.W. 3750 (May 19, 1980). See, for example, 44 FR 38660, 38661 (July 2, 1979).

[12] 603 F. 2d 978, 981.

[13] Clean Air Act § 202(a)(2), 42 U.S.C. 7521(a), states that the standards "shall take effect after such period as the Administrator finds necessary to permit the development and application of the requiste technology, giving appropriate consideration to the cost of compliance within such period."

[14] The Court in *AMC* v. *Blum* quotes the legislative history of Section 202(b)(1)(B) at length and states at 604 F. 2d 981 that "the Administrator is not directed to allow such lead time as he finds necessary . . . Congress itself finds and mandates that with respect to small manufacturers a lead period of two years is necessary . . ." It should be noted that the Congressional finding that small manufacturers need additional lead time refers to *qualified* small manufacturers. Small size alone is not enough to make a manufacturer eligible for relief. The requirements of 202(b)(1)(B) reflect Congress' desire to assist manufacturers that, because of their small size, are unable to achieve the statutory NO_x standard within the same time frame established for other manufacturers. *See* 123 Cong. Rec. S9231 (daily ed. June 9, 1977).

[15] 603 F. 2d 978, 981. To implement the Court's decision, EPA published a notice in the **Federal Register** vacating the passenger car waiver decision to the extent that the decision permits California to enforce against AMC 1980 and 1981 passenger car NO_x Standards other than the California 1979 model year NO_x standard of 1.5 gpm. 45 FR 45359 (July 3, 1980). In a second notice published at 45 FR 77509 (November 24, 1980) EPA granted California a waiver of Federal preemption for new exhaust emission standards and test procedures reflecting the adoption of special NO_x emission standards for vehicles produced by qualified small-volume manufacturers.

[16] A discussion of a "waiver opponent's" burden of proof in California waiver proceedings is set out in several of the Administrator's decisions to waive Federal preemption for California to enforce standards and/or enforcement procedures. *See* e.g., 42 Fed. Reg. 25755, 25756 (May 19, 1977); 43 Fed. Reg. 25729, 25734 (June 14, 1978). *See also MEMA* v. *EPA*, 13 ERC 1737, (D.C. Cir., August 3, 1979), *cert. denied*, 48 U.S.L.W. 3750 (May 19, 1980).

[17] Volvo Petition at 2.

feasible within available lead time, consistent with section 202(a).[18]

Another possible interpretation of Volvo's position is that EPA's decision to grant diesel NO_x waivers is sufficient proof that the California standards cannot be met within the allotted time, so as to warrant reconsideration of the June 14, 1978 decision. This argument is unconvincing. The diesel NO_x waivers which EPA granted did not consider the technological feasibility of 1981 and subsequent model year California standards. Thus, it would be erroneous to imply from these waiver decisions a finding of infeasibility of State standards.

The Administration granted Federal NO_x waivers for a number of engine families which applicants showed to be incapable of meeting the statutory standards for model year 1981 without a waiver.[19] This does not translate into a finding of technological infeasibility of the 1981 model year California NO_x standards. The California standards are different from the Federal standards in that California's regulatory scheme presents the manufacturers with a number of alternatives to which they may certify.[20] The manufacturers may select either the primary or secondary set of standards, and may choose either the 50,000 or 100,000 mile option. EPA made no finding in the NO_x waiver decision concerning the feasibility of each of these alternative California standards. Further, the 100,000 mile standard of 1.5 gpm NO_x is numerically less stringent than the Federal 1.0 gpm NO_x standard and was met in model year 1980 by a number of diesel manufacturers.[21]

The Administrator based his decision to grant NO_x waivers for model year 1982 on a finding that:

"The risks in applying new control technology are sufficient for me to determine that waivers are necessary * * * because the applicants at this time have little, if any, experience in production of vehicles incorporating the more advanced control technologies * * *" [22]

No evidence was introduced which was sufficient to show that 1.0 gpm NO_x could not be met in California or nationally in 1982.[23] Thus, a finding of unreasonable risk in applying technology nationally was made rather than a finding of technology infeasibility. The risks and costs inherent in attempting to certify an engine family for sale in the forty-nine States, which were taken into account for the Federal diesel NO_x waivers, cannot be equated with the risks and costs of attempting to produce complying vehicles for the limited California market.

This very distinction was made by at least one manufacturer in its NO_x waiver application, in which it indicated that it planned to introduce in the California market light-duty diesels meeting the 1982 California NO_x standard and the 0.6 gpm Federal particulate standard.[24] The manufacturer asserted, and EPA agreed, that it would be desirable to grant a NO_x waiver in order to permit manufacturers to phase in their advanced diesel NO_x control equipment in California.[25] By agreeing with the suggestion that granting a waiver for 1982 would facilitate a phase-in of advanced emission control technology in California, EPA implicitly indicated that it had no reason to believe that such state standards were infeasible. This negates any implication that the grant of a Federal waiver for the 1982 model year is tantamount to an Agency finding that manufacturers cannot meet 1982 California standards.[26] Thus, the EPA decision to grant certain NO_x waivers fails to establish manufacturers' inability to comply with California regulations.

Volvo suggested in its petition that *AMC* v. *Blum* requires *all* Federal waivers to be taken into account by the Administrator in determining whether or not California should be granted a waiver from Federal preemption. This memorandum has already discussed this proposition as it applies to EPA's diesel NO_x waiver decisions. No other waiver provisions of the Act appear to lend support to Volvo's petition. Neither Volvo nor any other manufacturer has presented evidence suggesting that determinations made in CO waiver proceedings would bear on the Calfiornia NO_x waiver decision.[27] Thus, as manufacturer waiver provision of the Act, as interpreted by the Court, is unique in its effect on EPA consideration of California waivers.

C. *Volvo has not submitted any new data to show that the California NO_x standards are not technolgically feasible.*

The opponents of a California waiver bear the burden of proving that the conditions exist that would justify denial of the waiver.[28] Volvo and other automobile manufacturers has the opportunity, both at hearings of the California Air Resources Board (CARB) to consider the proposed standards and at the EPA hearing to consider California's request for a waiver of Federal preemption for those standards, to present their objections and their evidence regarding the technological feasibility of the standards. The Administrator concluded, based on the record before him, that he could not make the findings necessary to deny California a waiver of Federal preemption, including a finding that manufacturers had demonstrated the proposed standards were technologically infeasible (and thus inconsistent with section 202(a)). The Administrator therefore waived application of section 209(a) of the Act to the California regulations in question.

In order to obtain reconsideration of the June 14, 1978 waiver of Federal preemption for California to enforce its own standards, the manufacturers must now show that there is new information which would warrant denial of a waiver if the information had been available at the time of the original decision.

Volvo has not come forward with any new specific evidence in its petition indicating that California's protectiveness determination was arbitrary and capricious, that State standards are not needed to meet compelling and extraordinary conditions, or that the 1981 and later model year NO_x standards are not consistent with section 202(a) of the Act in that they are not attainable within available lead time, considering costs. Further, as discussed above, neither the Federal diesel NO_x waiver decisions themselves, nor any other waivers granted under section 202(b) of the Act constitute "new data" bearing on the technological feasibility of California standards. Finally, Volvo did not introduce any new evidence during the Federal NO_x waiver proceedings, nor did it point out any evidence introduced by other parties that would justify reconsideration of the California waiver.[29] Thus, EPA has no new

[18] H.R. Rep. No. 95-294, 95th Cong., 1st Sess. 301 (1977).

[19] 45 Fed. Reg. 5485 (January 23, 1980), 45 FR. 34718 at 34720-22 (May 22, 1980), 45 FR 1599 (January 6, 1981), 45 Fed. Reg. 1603 (January 6, 1981).

The Administrator denied all applicant's requests for waivers covering the 1983 and 1984 model years because they submitted insufficient data to show they needed the waiver in those model years. Thus, EPA has made no determinations in its diesel NO_x waiver decisions regarding manufacturers' technological capabilities in 1983 and later model years that would give the Administrator cause to reconsider the conclusions in the June 14, 1978 waiver decision regarding the technological feasibility of California's NO_x standards in those model years. The Administrator also denied some requests for waivers in model years 1981 and 1982 for certain engine families on the grounds of insufficient data from which he could conclude that the engine families in question were incapable of meeting the Federal 1981 and 1982 NO_x standard.

[20] See charts at 45 Fed. Reg. 12291, 12293 and 12294 (February 25, 1980).

[21] See, e.g., California Air Resources Board Executive Orders A-3-34, A-3-35, A-3-36 (November 2, 1979); Executive Order A-6-184-1 (March 12, 1980); Executive Order A-24-10 (February 19, 1980); and Executive Order A-7-36 (September 20, 1979).

[22] 45 Fed. Reg. 5485 (January 23, 1980d); 45 Fed. Reg. 34718 (May 22, 1980).

[23] 45 Fed. Reg. 5480, 5485, n. 81.

[24] NO_x Waiver Application submitted by Daimler-Benz, A.G., June 1979, I-3-4. *See also* Automobiles Peugeot Application for Waiver of 1981-1984 NO_x Emission Standard, dated February 6, 1980, 1-2.

[25] 45 Fed. Reg. 5485 (January 23, 1980); 45 Fed. Reg. 34718 (May 22, 1980).

[26] The Administrator noted that using California emission standards is a familiar technology forcing tool. *Id.* For example, in a decision issued in April of 1973 granting a one-year suspension of automobile emission standards to five manufacturers, the Administrator in effect utilized California regulations to force the use of catalytic converters on a portion of 1975 vehicles. This was meant to mitigate the risks faced in nationwide production of vehicles employing the new technology, while requiring manufacturers to prepare for the widespread use of catalysts in model year 1976. 38 Fed. Reg. 10317, 10319 (April 26, 1973).

[27] EPA has never received an application for a waiver under section 202(b)(6)(B) of the Act.

[28] *MEMA* v. *EPA*, 13 ERC 1737 (D.C. Cir. August 3, 1979), *cert. denied*, 48 U.S.L.W. 3750 (May 19, 1980). See also 42 Fed. Reg. 25755, 25756 (May 19, 1977) and 43 Fed. Reg. 25729, 25734 (June 14, 1978) for discussion of waiver opponents' burden of proof in Calfiornia waiver proceedings.

[29] The evidence Volvo and other manufacturers introduced in Federal waiver proceedings pertained to the feasibility of the Federal NO_x standard with regard to the individual engine families for which the manufacturers requested a waiver. Even if a manufacturer could establish that some diesel engine families cannot meet the "waived" California NO_x standards, the Administrator is not necessarily required to vacate his earlier decision to grant California a waiver to enforce those

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facts before it that would justify a reconsideration of the June 18, 1978 California waiver decision.

Conclusion

The Administrator's role with regard to California emission regulations is highly circumscribed. Under the Act, he is required to grant a wavier of Federal preemption unless certain conditions exist.

In order to obtain reconsideration of a California waiver decision, the opponent of the waiver must show that circumstances now exist that would have required denial of the waiver of Federal preemption had they occurred or been recognized at the time of the original decision.

Since the court's decision in *AMC* v. *Blum* requiring reconsideration of California waivers in light of subsequent Federal waivers applies only to the small-volume manufacturer provision of the Act because of the unique Congressional determination on technological feasibility relating to that provision, it does not require the Administrator to review his California waiver decisions automatically in light of other waivers granted pursuant to section 202(b) of the Act.

Thus, the waiver decisions which the Administrator granted under section 202(b) do not, by themselves or in light of *AMC* v. *Blum*, justify the reconsideration Volvo seeks. Further, Volvo has not come forward with any new information, nor has it pointed out any findings in any Federal waiver decision or evidence in the record of any Federal waiver proceeding that would trigger reconsideration. Therefore, denying the petition is appropriate.

Dated: April 8, 1981.

Walter Barber,

Acting Administrator.

[FR Doc. 81-11354 Filed 4-14-81; 8:45 am]

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[OPTS-51242; TSH-FRL 1799-8]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 81-10404 appearing at page 20763 in the issue of Tuesday, April 7, 1981, the Docket No. in the heading should have appeared as set forth above.

BILLING CODE 1505-01-M

standards, if on the basis of the record he could not conclude that any limitation caused by the standards would cause basic market demand to go unsatified. In considering manufacturers' claims in the California waiver proceedings for 1979 and later model passenger car standards that the standards may result in a restricted vehicle offering incapable of meeting basic market demand in California, the Administrator was unable to conclude on the basis of the record for those proceedings that any limitation would in fact occur or that any such limitation would cause basic market demand not to be satisfied. *See* 43 Fed. Reg. 25729, 25734 (June 14, 1978). He also noted that the applicability of *International Harvester* v. *Ruckelshaus* to a California waiver situation was set forth in a previous waiver decision published on October 7, 1976 (41 Fed. Reg. 44209, 44212). *See* at 25734, n. 101.

FEDERAL COMMUNICATIONS COMMISSION

[PR Docket No. 81-223]

Andrew J. Woods; Designating Application for Hearing on Stated Issues

In the matter of application of Andrew J. Woods, 3932 Wyandotte Trail, Indianapolis, Indiana 46240; for renewal of Citizens Band Radio Station license KTV-7851.

Designation Order

Adopted: April 2, 1981.

Released: April 8, 1981.

The Chief, Private Radio Bureau, has under consideration the application of Andrew J. Woods, dated September 9, 1980, for renewal of Citizens Band radio station license KTV-7851.[1]

1. Information before the Commission indicates that on March 22, 1980 station KTV-7851 made radio transmissions which were in violation of the following CB Rules: 20(a) (overpower), 21(a) (use of a linear amplifier), 22(b) (station used to transmit unauthorized constant carrier), 23(a)(6) (station used to transmit whistling) and 30(a) (station identification requirements).[2, 3]

2. Section 309(e) of the Communications Act of 1934, as amended, requires that the Commission designate an application for hearing where it cannot find that grant of the application would serve the public interest, convenience and necessity. The radio operation described above precludes the Commission from making that determination without a hearing.

3. Accordingly, it is ordered, pursuant to Section 309(e) of the Act and §§ 1.973(b) and 0.331 of the Commission's Rules, that Woods' application is designated for hearing upon the following issues:

(a) To determine whether there were transmissions on March 22, 1980, in wilful violation of CB Rules 20(a), 21(a), 22(b), 23(a)(6) and/or 30(a).

(b) To determine whether Woods has the requisite qualifications to remain a Commission licensee.

(c) To determine whether grant of the application would serve the public interest, convenience and necessity.

4. It is further ordered, That if Woods wants a hearing on this matter, he must file a written request for a hearing within 20 days.[4] If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent Order. If Woods waives his right to a hearing, his application will be dismissed with prejudice.

5. It is further ordered, That copies of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to Woods at his address of record (as shown in the caption).

Chief, Private Radio Bureau

W. Riley Hollingsworth, Jr.,

Acting Chief, Compliance Division.

[FR Doc. 81-11330 Filed 4-14-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Pursuant to § 1.926(c) of the Rules, Woods has continuing operating authority pending a determination of whether his renewal application should be granted or denied.

[2] The CB Rules are in § 95.401 of the Commission's Rules.

[3] The March 22, 1980 operation was the subject of an Official Notice of Violation mailed to Woods on April 17, 1980.

[4] The attached form should be used to request or waive hearing. It should be mailed to the Federal Communications Commission, Washington, D.C. 20554, in the enclosed envelope.

[BC Docket No. 81-157, File Nos. BRH-85 and BRSCA-206; BC Docket No. 81-158, File No. BPH-10386]

Broadcast Communications, Inc., and Genesis Broadcasting Limited; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Broadcast Communications, Inc., Evanston, Illinois, Has: 105.1 MHz, Channel No. 286, 6.2 KW (H&V), 1170 feet HAAT, for renewal of Main, Auxiliary, and Sub-Carrier Authorization Licenses of Station WOJO(FM), Evanston, Illinois, BC Docket No. 81-157, File Nos. BRH-85 and BRSCA-206; and Genesis Broadcasting Limited, Evanston, Illinois, Req: 105.1 MHz, Channel No. 286, 6.2 KW (H&V), 1170 feet HAAT, for Construction permit, BC Docket No. 81-158, File No. BPH-10386.

Memorandum Opinion and Order

Adopted: March 11, 1981.

Released: April 8, 1981.

By the Commission: Chairman Ferris not participating.

1. The Commission has before it for consideration the above-captioned applications of Broadcast Communications, Inc. (BCI) for renewal of its licenses for Station WOJO(FM), Evanston, Illinois; the above-captioned application of Genesis Broadcasting Limited (GBL) for a construction permit for the main BCI facilities; an informal objection to the renewal of BCI's license filed January 24, 1979, by Paul

Papachristou; a petition to deny GBL's application filed by BCI on May 8, 1980; an opposition thereto filed by GBL on June 23, 1980; a reply filed by BCI on July 3, 1980; a petition for leave to amend filed by GBL on June 23, 1980; and various related pleadings.[1]

2. *BCI's Renewal Applications.* Papachristou complains that he and other Greek language broadcasters who formerly broadcast over WOJO(FM) on a time purchase basis had their use of the station unilaterally terminated by BCI. He states that he and the other Greek language broadcasters have not yet found other facilities which will carry their programs and he requests Commission action to preserve the status quo.

3. Section 326 of the Communications Act of 1934, as amended, prohibits the Commission from censoring broadcast matter or from taking any action which would improperly interfere with the licensee's freedom of expression. Thus, we cannot direct a licensee in the selection or presentation of specific programming, nor will we attempt to substitute our judgment regarding a particular program choice for that of the licensee, absent a showing that there has been an abuse of discretion or a violation of our rules or policies. In his letter, Papachristou alleges no facts which show that BCI abused its discretion when it decided to stop broadcasting Greek language programs, nor does he provide any facts which demonstrate that BCI's overall past programming could not reasonably have met the problems, needs, and interests of the people within its service area. Accordingly, we have no reason to fault BCI's programming decision and Papachristou's informal objection will be denied.

4. Examination of BCI's application indicates that it is legally, financially and technically qualified to operate as proposed. However, since its application is mutually exclusive with that of GBL, it must be designated for a comparative hearing.

5. *GBL's Construction Permit Application.* BCI alleges that GBL violated §§ 1.65 and 73.3514 of the Commission's Rules by not updating the financial portion of its application. BCI argues that more than three years have passed since GBL's last financial amendment and that GBL's equipment commitment, its bank line of credit, and the financial condition of its non-institutional lender have not been updated or confirmed. BCI contends that inflation has caused equipment costs to increase, and that the rise in interest rates coupled with a decline in the current value of stocks and bonds raise questions about GBL's financial qualifications. Finally, BCI points out that GBL failed to estimate costs for its transmitter site. Accordingly, BCI urges that GBL's application be denied or that GBL be directed to provide complete and current financial information.

6. Where an applicant's initial projections concerning its finances are reasonable, general allegations about interest rates as well as inflation and its effect on equipment prices are insufficient to raise a substantial and material question. *Belo Broadcasting Corporation,* 51 FCC 2d 1097 (Rev. Bd. 1975). Except for transmitter site costs, BCI has not alleged that GBL's initial financial showing was deficient, and our review of GBL's application shows that it possesses sufficient funds to construct and operate as proposed. Moreover, on June 23, 1980, GBL submitted an amendment to its application containing updated financial information.[2] In light of the amendment, there is no question about its financial qualifications. GBL has documented the availability of sufficient funds to prosecute its application, construct the station, and operate it for three months. Moreover, GBL has accounted for transmitter site costs by amending to include $20,000 for installation costs and $15,000 for "Antenna & Transmitter Space Lease." Accordingly, no further inquiry is warranted.

7. Examination of GBL's application indicates that it is legally, financially and technically qualified to operate as proposed. However, since its application is mutually exclusive with that of BCI, it must be designated for a comparative hearing.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing, (either individually or, if feasible and consistent with the Rules, jointly) within the time and manner prescribed in that Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

11. It is further ordered, That the "Petition to Deny" filed by BCI is denied.

12. It is further ordered, That the Informal Objection filed by Paul Papachristou is denied.

13. It is further ordered, That the Secretary of the Commission mail to the parties herein a copy of this Memorandum Opinion and Order by Certified Mail, Return Receipt Requested.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-11331 Filed 4-14-81; 8:45 am]

BILLING CODE 6712-01-M

[1] GBL filed unopposed motions for extensions of time. Since the public interest will be served by Commission consideration of all the pleadings, GBL's motions will be granted.

[2] Since GBL has shown good cause for filing the amendment pursuant to § 1.65 of the Rules, its Petition for Leave to Amend is granted.

[BC Docket No. 81-229, File No. BPCT-780713IB, et al.]

Channel 59 of Indiana, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Channel 59 of Indiana, Inc., Indianapolis, Indiana, BC Docket No. 81-229, File No. BPCT-780713IB; Indianapolis Television Corporation, Indianapolis, Indiana, BC Docket No. 81-230, File No. BPCT-781220LC; United Television Corporation of Indiana, Indianapolis, Indiana, BC Docket No. 81-231, File No. BPCT-781221LC; and Indianapolis 59, Inc., Indianapolis, Indiana, BC Docket No. 81-232, File No. BPCT-781221LE; for construction permit.

Hearing Designation Order

Adopted: March 24, 1981.

Released: April 8, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the

above-captioned mutually exclusive applications of Channel 59 of Indiana (Channel 59), Indianapolis TV Corporation (ITVC), United Television Corporation of Indiana (United), and Indianapolis 59, Incorporated (Indianapolis 59) for authority to construct a new commercial television broadcast station on Channel 59, Indianapolis, Indiana.

2. Channel 59, ITVC and United contemplate operating subscription television (STV) over their proposed facilities. These parties have applications for STV authorizations pending before the Commission. The STV applications will not be consolidated for hearing in this proceeding, however. STV is essentially an entertainment format comparable to other entertainment packages except that it is supported directly by viewers' subscriptions rather than by advertising revenues. Accordingly, the Commission's reluctance to compare applicants on the basis of entertainment formats expressed in *George E. Cameron, Jr. Communications,* 71 FCC 2d 460 (1979), provides ample precedent for precluding consideration of STV proposals in otherwise routine hearings on applications for television construction permits. If an applicant proposing STV operation should prevail in this proceeding, its application for a subscription authorization will be promptly processed.

3. *Channel 59 of Indiana, Inc.* Analysis of the financial data submitted by applicant reveals that $2,807,621 will be required to construct the proposed station and operate it for three months. Channel 59 plans to finance the construction and operation with a $5,000,000 bank loan made to Subscription Television of America, Inc. (STA), whose parent corporation, STV Lease Company, is the sole stockholder of STV Station Corporation who owns 51% of the applicant's stock. STA has submitted its balance sheet and a copy of agreement to loan applicant the $2,807,621 necessary to construct and operate its station. Although STA's balance sheet indicates negative working capital, it will not be offset against the loan since the bank letter restricts (earmarks) the use of the funds to construction and operation of a television station in Indianapolis. *Contemporary Television Broadcast, Inc.,* 46 Fed. Reg. 9202, January 28, 1981. Thus, applicant will have sufficient funds to construct and operate its proposed station for three months. Accordingly, no financial issue will be designated.

4. Channel 59 is 51% owned by STV Station Corporation, which in turn is owned by STV Lease Company, 80% of whose stock is held by Cohold, Inc., which is 95% owned by Corland Corporation. C. W. Murchinson, Jr. owns Corland Corporation and is a director and chairman of the board of Corland Corporation, Cohold, Inc., STV Lease Company and STV Station Corporation. Tecon Enterprises, Inc., a subsidiary of Tecon Corporation of which C. W. Murchinson, Jr., is President and a director, was named as a defendant in a suit alleging racial discrimination in sale of resort properties and extension of credit in connection therewith. *U.S.* v. *Western Resort Properties, Inc. and Tecon Enterprises, Inc.* Civil Action No. 3-78-0456-G (D.C. N. Dist., Texas). By consent order, defendants were enjoined from refusing to sell or rent to anyone on the basis of race, color, religion, sex or national origin and were ordered to implement an affirmative action program aimed at ensuring nondiscrimination in their business practices. The order does not indicate that Mr. Murchinson had any personal involvement in the actions which gave rise to the order. In addition, Tecon's subsequent activities have not resulted in any reported racial discrimination allegations. Based on the information before us, no issue will be designated.

5. *United Television Corporation of Indiana.* Analysis of the financial data submited by applicant reveals that $632,075 will be required to construct the proposed station and operate it for three months, itemized as follows:

Equipment down payment	$278,981
Equipment payments and interest	70,094
Building	40,000
Land (lease) (3 months)	5,350
Studio (lease) (3 months)	2,500
Miscellaneous	135,000
Operating costs (3 months)	108,000
Total	632,075

United plans to finance construction and operation with the following funds: $2,635,000 from a bank loan to United Cable TV Corporation (United Cable), shareholder of 80% of applicant's stock, and $14,801 in pre-paid expenditures United listed on its balance sheet.

6. United Cable conditioned the availability of the funds on the grant of the construction permit, STV authorization and the ability of the principals of the applicant (Messrs. Ransom, Fairbanks, C. Perry Griffith and William Griffith) to assume 20% of the applicant's funding requirements and commitments. Since United Cable conditioned the availability of the funds on STV authorization, the STV authorization is granted independently from the grant of the construction permit, applicant cannot rely on the $2,650,000 to demonstrate its financial qualifications. Further, United Cable failed to sumbit its balance sheet, as required by Form 301, Section III, question 4(b). Additionally, the requirement that the four above-mentioned principals agree to supply 20% of the applicant's funding requirements has not been complied with. None of the principals have submitted a copy of the agreement obligating them to meet the conditions discussed above, as required by Form 301, Section III, question 4(a). And none of the principals have submitted balance sheets. For reasons specified above the applicant may not rely on the $2,635,000 from United Cable. Therefore, applicant may only rely on $14,801 in pre-paid expenses. Accordingly, an issue will be designated to determine whether United has the $617,274 it needs to construct and operate its proposed station.

7. Section 73.636(a)(1) sets out a policy against granting a television construction permit to an applicant with principals who, directly or indirectly, own, operate, or control an AM or FM radio station licensed to the same community as its proposed television station. Richard Fairbanks, a director and 5% shareholder of United, is currently the President, Treasurer, and director and majority shareholder of Fairbanks Broadcasting Company, Incorporated, licensee of Stations WIBC and WNAP(FM), Indianapolis, Indiana. Due to Mr. Fairbanks' broadcast interests in Indianapolis, a one-to-a-market issue is presented. Since United filed its application before September 13, 1979, it is subject to Note 8 of the Rule, which provides that applications for UHF television facilities will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. *Notice of Porposed Rule Making in BC Docket 79-233,* 44 FR 5603 (1979). Accordingly, an issue will be designated to determine whether Mr. Fairbanks' controlling interest in WIBC and WNAP(FM) and his interest in the proposed station would be consistent with the public interest.

8. *Indianapolis 59, Incorporated.*[2] Analysis of the financial data submitted

[2] Indianapolis 59, is 49% owned by Julian S. Smith and 39.1% owned by Commercial Radio Institute, Inc. (CRI). Julian Smith also owns stock in CRI as do his brother Henry and sons Fred, Robert, Duncan, and David. CRI has ownership interest in:

WPTT-TV, Pittsburgh, Pennsylvania.

WBFF-TV, Baltimore, Maryland.

Continued

by applicant reveals that $710,024 will be required to construct the proposed station and operate it for three months, itemized as follows:

Equipment down payment	None
Equipment (5 months' payments)	$150,774
Land	100,000
Building	85,000
Miscellaneous	150,000
Operating costs (3 months)	224,250
Total A	710,024

Indianapolis 59 plans to finance construction and operation with the following funds: a $1,775,000 bank loan made to applicant's parent corporation, Chesapeake Television, Inc. (Chesapeake) and $1,000 in existing capital.

9. Applicant relies on the proceeds of a bank loan made to Chesapeake. However, on October 12, 1979, applicant notified the Commission of the redistribution of Chesapeake's interest in Indianapolis 59. Chesapeake distributed the shares it held of Indianapolis 59 on a pro rata basis to the shareholders of Chesapeake in direct proportion to their participation in Chesapeake. Since Chesapeake has terminated its involvement with the applicant, it is unclear whether Indianapolis 59 can rely on Chesapeake's $1,775,000 loan to finance applicant's proposed station. However, applicant has demonstrated that it has $1,000 existing capital. Accordingly, an issue will be designated to determine whether applicant can obtain the $709,024 necessary to finance construction and operation of its proposed station.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place before an Administrative Law Judge to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to United Television Corporation of Indiana's financial showing:

(a) Whether the applicant has an additional $617,274 available for construction and three months' operating costs; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine whether, in light of Mr. Fairbanks' controlling interest in Stations WIBC and WNAP(FM), a grant of United Television Corporation of Indiana's application would be in the public interest.

3. To determine, with respect to Indianapolis 59 Incorporated's financial showing:

(a) Whether the applicant has an additional $709,024 available for construction and three months' operating costs; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

12. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-11332 Filed 4-14-81; 8:45 am]

BILLING CODE 6712-01-M

Channel 23, Columbus, Ohio (construction permit granted).

Channel 38, St. Petersburg, Florida (application).

Channel 49, Buffalo, New York (application).

Channel 61, Wilmington, Delaware (application).

Channel 61, Hartford, Connecticut (application).

In addition, David Smith owns 33% of Comark Television, Inc., applicant for television stations on:

Channel 26, Daytona Beach, Florida.

Channel 38, New Orleans, Louisiana.

Channel 18, San Juan, Puerto Rico.

Channel 51, Portland, Maine.

Channel 62, Syracuse, New York.

Section 73.636(a)(2) of the Commission's Rules limits a party to direct or indirect interest in no more than seven television stations.

[Report No. B-12]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: April 2, 1981.

Cut-Off Date: May 19, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with the applications listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on May 19, 1981. Any application previously accepted for filing and in conflict with the applications listed in the attached appendix may also be amended as a matter of right not later than the close of business on May 19, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPH-790802AC (new), Buffalo, Wyoming, KBBS, Inc.; Req: 92.7 MHz; Channel No. 224A; ERP: 3 kW; HAAT: −41 ft.

BPH-801215AA (new), Bentonville, Arkansas, Rocky Haven Investments, Inc.; Req: 98.3 MHz; Channel No. 252A; ERP: 3 kW; HAAT: 300 ft.

BPH-801218AC (new), Madison, Florida, Billy G. Walker; Req: 104.9 MHz; Channel No. 285A; ERP: 3 kW; HAAT: 300 ft.

BPED-791231AV, KMOJ, Minneapolis, Minnesota, Ctr. for Communication & Development; HAS: 89.7 MHz; Channel No. 209DS; ERP: .01 kW; HAAT: —— ft. (Lic). Req: 89.9 MHz; Channel No. 210A; ERP: 1 kW; HAAT: 80 ft.

[FR Doc. 81-11329 Filed 4-14-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL ELECTION COMMISSION

[Notice 1981-5]

Filing Dates for Mississippi Special and Runoff Elections

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for Mississippi special election and special runoff election.

SUMMARY: Committees required to file reports in connection with the special election to be held in the 4th Congressional District of Mississippi on June 23, 1981 must file a 12-day pre-election report by June 11, 1981, and a 30-day post-election report by July 23, 1981. Committees required to file reports in connection with *both* the special election *and* the special runoff election (if necessary) to be held on June 23, 1981 and July 7, 1981, respectively, must file the 12-day pre-election report by June 11, 1981, the 12-day pre-runoff election report by June 25, 1981, and the 30-day post-runoff election report by August 6, 1981.

After filing these reports, committees should resume filing reports on a semi-annual basis.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Corley, Public Information Office, 1325 K Street, N.W., Washington, D.C. 20463, Tel: (202) 523-4068, Toll-free: (800) 424-9530.

Notice of Filing Dates for Special Election and Special Runoff Election, 4th Congressional District, Mississippi

The State of Mississippi has scheduled a special election in the 4th Congresssional District for June 23, 1981. If no candidate receives a majority of the vote in that election, a special runoff election will be held on July 7, 1981.

All principal campaign committees of candidates involved only in the special election and all other semi-annually filing political committees supporting candidates in this special election shall file a 12-day pre-election report due on June 11, 1981, with coverage dates from date of candidacy, or last report, through June 3, 1981, and a 30-day post-election report due on July 23, 1981, with coverage dates from June 4, 1981 through July 13, 1981.

All principal campaign committees of candidates in *both* the special election *and* the special runoff election and all other semi-annually filing political committees supporting candidates in the special election and the special runoff election shall file a 12-day pre-election report due on June 11, 1981, with coverage dates from date of candidacy, or last report, through June 3, 1981, a 12 day pre-runoff election report due June 25, 1981, with coverage dates from June 4, 1981 through June 17, 1981, and a 30-day post-runoff election report due August 6, 1981, with coverage dates from June 18, 1981 through July 27, 1981.

After filing these reports, committees should resume filing reports on a semi-annual basis.

Dated: April 10, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81-11326 Filed 4-14-81; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM

Camden County Bancshares, Inc.; Formation of Bank Holding Company

Camden County Bancshares, Inc., Camdenton, Missouri, 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 92.05 percent, including directors' qualifying shares, of the voting shares of Camden County Bank, Camdenton, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 8, 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, April 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11372 Filed 4-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Bank Shares Corporation; Formation of Bank Holding Company

First Bank Shares Corporation, Warner, South Dakota, has applied for the Boards'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 89.3 per cent or more of the voting shares of First State Bank of Warner, Warner, South Dakota. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 8, 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, April 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11373 Filed 4-14-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Dow Chemical Co. and Madison Fund Inc.; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects two Commission documents previously published in the **Federal Register** on Wednesday, April 8, 1981. The wrong dates appeared under "Effective Date:".

DATE: This correction is effective April 15, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: In FR Documents 81-10644 and 81-10645, appearing in the **Federal Register** issue for Wednesday, April 8, 1981, 46 FR 21092, the wrong effective date was published for early termination of the waiting period of the premerger notification rules pertaining to Dow Chemical Co. and Madison Fund Inc. The correct effective date for Dow should be March 26, 1981, and for Madison Fund March 27, 1981.

Carol M. Thomas,

Secretary.

[FR Doc. 81-11379 Filed 4-14-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Campbell Taggart Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Campbell Taggart Inc. is granted early termination of the waiting

period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Larry's Food Products, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 2, 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. 81-11377 Filed 4-14-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Hyannis Co-operative Bank

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Hyannis Co-operative Bank is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Taunton-Co-operative Bank. 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 parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-11378 Filed 4-14-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

National Advisory Council on Nurse Training; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1981:

Name: National Advisory Council on Nurse Training.

Date and Time: May 18-20, 1981, 9:00 a.m.

Place: Conference Room G-20, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782.

Open May 18, 9:00 a.m.-12:15 p.m.

Closed May 18, 1:00 p.m. for remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1975. The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRA.

Agenda: Agenda items for open portion of meeting will cover announcements; consideration of minutes of previous meeting; reports by the Acting Administrator; the Acting Director, Bureau of Health Professions (BHPr); the Financial Management Officer, BHPr; the Director, Division of Nursing; and staff reports. The meeting will be closed to the public on May 18, 1981, at 1:00 p.m., for the remainder of the meeting for the review of grant applications for advanced nurse training grants, national research service awards, nurse practitioner grants, special project grants, and research project grants. The closing is in accordance with the provision set forth in section 552b(c)(6). Title 5, U.S. Code, and the Determination by the Acting Administrator, Health Resources Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contact Dr. Mary S. Hill, Bureau of Health Professions, Health Resources Administration, Room 3-50, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6681.

Agenda items are subject to change as priorities dictate.

Dated: April 9, 1981.

Irene D. Skinner,

Advisory Committee Management Officer, Health Resources Administration.

[FR Doc. 81-11375 Filed 4-14-81; 8:45 am]

BILLING CODE 4110-83-M

National Council on Health Planning and Development and Subcommittees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of May 1981:

Name: National Guidelines and Technology Subcommittee of the National Council on Health Planning and Development.

Date and Time: Thursday, May 7, 1981; 2:00-4:30 p.m.

Place: Conference Rooms 303A-305A, H. H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The mission of the National Guidelines and Technology Subcommittee is to advise the Council on the formulation, adjustment, and refinement of the National Guidelines for Health Planning. The Guidelines include standards respecting the appropriate supply, distribution, and organization of health resources and a statement of national health planning goals. In the formulation of its recommendations to the Council, the Subcommittee will take into consideration National Health Priorities outlined in P.L. 96-79, include an evaluation of the implications of new medical technology for the organization, delivery and distribution of health care services, and evaluate factors related to improved productivity of the health care delivery system.

The Subcommittee will study the experience nationwide in the public and private sectors with the adoption and/or adjustment of the National Guidelines; study the experience of HSAs and SHPDAs in implementation of high priority goals and subgoals; investigate and coordinate information on relevant demonstrations by

provider, reimbursement, regulatory, labor, industry and community groups such as those on alcoholism and prevention; study, investigate and identify research needs; study and develop improved indicators to assess the impact of the guidelines and the need for revisions; and review technology assessment activities related to productivity in the health care field in order to assure they are relevant to the HSAs and are useful in the development and implementation of the National Guidelines.

Agenda: Report on public comments received on draft National Health Planning Goals and further consideration of Rural Health Delivery Systems issues.

Name: Implementation and Administration Subcommittee of the National Council on Health Planning and Development

Date and Time: Thursday, May 7, 1981; 4:00–5:30 p.m.

Place: Conference Rooms 337A–339A, H. H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The Objective of the Implementation and Administration Subcommittee is to study and make recommendations in the implementation and administration of Titles XV and XVI of the Public Health Service Act. Specific areas for the Subcommittee's consideration are (1) the impact of HHS's implementaiton and administration on the effectiveness of Health Systems Agencies (HSA) and State Health Planning and Development Agencies (SHPDA); (2) the effectiveness of the interrelationships between health planning agencies, and HHS, Central and Regional Offices; (3) the timing and strategy of implementation and of the dissemination and distribution of regulatory and technical material; (4) how to better meet the needs of HSAs and SHPDAs; (5) the review of the Council's responsibilities under section 1122 of the Social Security Act; and (6) the review of the Council's responsibilities related to proposed terminations and/or non-renewals of HSAs and SHPDAs under sections 1515(c) and 1521(b) of the PHS Act.

Agenda: Consideration of section 1122 cases and public testimony.

Name: National Council on Health Planning and Development

Date and Time: Friday, May 8, 1981; 8:45 a.m.–3:30 p.m.

Place: Auditorium, H. H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Public Law 93–641, (2) the implementation and administration of Title XV and XVI of Public Law 93–641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Counsil considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: Status reports from Health Resources Administration officials; reports from the Subcommittee on National Guidelines and Technology and the Subcommittee on Implementation and Administration; discussion of the future of the Health Planning Program and public testimony.

Anyone requiring information regarding the subject Council should write to or contact MRS. S. JUDY SILSBEE, Executive Secretary, National Council on Health Planning and Development, Health Resources Administration Room 10–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland, 20782. Telephone (301) 436–7175.

Agenda items are subject to change as priorities dictate. Please call Area Code 301–436–7175 the week of May 4 for final information.

Dated: April 9, 1981.

Irene D. Skinner,

Advisory Committee Management Officer, Health Resources Administration.

[FR Doc. 81-11376 Filed 4-14-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

April 3, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Tuscarora Indian Tribe, Drowning Creek Reservation, c/o Mr. Leon Locklear, Route 2, Box 108, Maxton, North Carolina 28364, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on February 25. The petition was forwarded and signed by Mr. Leon Locklear.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington D.C. 20242.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-11359 Filed 4-14-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

California Desert Conservation Area Advisory Committee; Cancelled Meeting

In the matter of cancellation of April 24, 1981 meeting; the March 23, 1981 notice appearing on page 46 FR 18072 is hereby cancelled.

Dated: April 3, 1981.

Bruce Ottenfeld,

Acting District Manager.

[FR Doc. 81-11368 Filed 4-14-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 1180]

New Mexico; Proposed Withdrawal Continuation

April 7, 1981.

The Department of Energy has filed a statement of justification for continuation of the existing land withdrawal made by Public Land Order 4569 of January 16, 1969. The withdrawal was made for use by the U.S. Department of Energy (formerly the Atomic Energy Commission and Energy Research & Development Administration) as a buffer zone for research and development facilities.

The Department of Energy has expressed need to continue the withdrawal in its entirety. The continuation would permit the continued use as a buffer zone for the high explosive test facility by Sandia National Laboratories, Albuquerque. Sandia National Laboratories will be involved in testing indefinitely and the

buffer zone will be required for the life of the Laboratories.

The withdrawal involves 4,594.63 acres within Cibola National Forest in Bernalillo County, New Mexico. The lands, described as follows, are withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws. No change in the segregative effect of the withdrawal or use of the lands is proposed.

New Mexico Principal Meridian—Cibola National Forest

T. 9 N., R. 4½ E.,
Sec. 12, lots 3, 4 and SE¼.
T. 9 N., R. 5 E.,
Sec. 3, S½NW¼, SW¼ and S½SE¼;
Sec. 4, S½N½ and S½;
Sec. 5, S½N½ and S½;
Sec. 6, lots 15, 16 and 23;
Sec. 7, lots 5, 6, 7, 9, and 10 to 21, incl.;
Secs. 8, 9 and 10;
Sec. 11, W½NW¼ and SW¼;
Sec. 17, Tracts A and B HES 44;
Sec. 18, Tracts A and B HES 413.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer on or before May 8, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuations may be filed with the undersigned officer on or before May 8, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on withdrawal continuation will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,
Chief, Division of Technical Services.

[FR Doc. 81-11367 Filed 4-14-81; 8:45 am]
BILLING CODE 4310-84-M

Roseburg District Advisory Council; Meeting

Notice is hereby given that in accordance with Section 309 of the Federal Land Policy and Management Act (as amended), the Roseburg District Advisory Council will meet May 18, 1981. The meeting will convene at 9:00 a.m. in the conference room at the Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, OR. The topic to be considered at the meeting is the land use planning process, with particular attention to the development of management alternatives.

All Council meetings are open to the general public and news media. Interested persons or organizations may make oral statements to the Council at 11:15 a.m., or they may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager by May 11, 1981. Depending upon the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of each council meeting will be maintained in the Roseburg District Office and will be available for public inspection and copying during regular business hours within 30 days following the meeting.

For additional information, contact Gary Majors, Public Information Officer, telephone (503) 672-4491.

Dated: April 3, 1981.

James E. Hart,
District Manager.

[FR Doc. 81-11363 Filed 4-14-81; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

Alexandria Waterfront, Alexandria, Va.; Availability of Planning Alternatives and Notice of Public Hearing

As a result of the joint planning effort by the National Park Service and the city of Alexandria, Virginia, a Draft Joint and Land Use Plan and three ownership/management alternatives have been developed which address those lands along the Alexandria waterfront between Daingerfield Island and Jones Point.

Copies of the Draft Joint Land Use Plan and associated management/ownership alternatives are available by writing the National Park Service at the address below or by phone (202) 426-6715.

Much of the land being considered by this plan lies within the Alexandria waterfront 100-year flood plain. In accordance with Executive Order 11988, "Floodplain Management Guidelines," of the U.S. Water Resources Council (43 FR 6030), public notice of this Draft Joint Land Use Plan and associated alternatives are being provided through this announcement; through the mechanism of OMB A-95; and through direct mailing of the subject document to all known interested parties.

A final public hearing on those issues will be conducted jointly by the city of Alexandria and the National Park Service at 7:00 p.m. on May 14, 1981, at the Lee Center, 1108 Jefferson Street, Alexandria, Virginia. Registration to speak will occur at the hearing and will be on a first come first served basis.

Written comments on the plan and alternatives are also invited and will be accepted at the hearing or within the 15-day period that the record will remain open. The record will close on May 29.

Written comments should be addressed to:

Jack Benjamin, National Park Service, National Capital Region, 1100 Ohio Drive, SW., Washington, D.C. 20242, or

Engin Artemel, Department of Planning and Community Development, Room 201, 320 King Street, Alexandria, Virginia 22314

Dated: April 7, 1981.

Manus J. Fish, Jr.,
Regional Director, National Capital Region.

[FR Doc. 81-11347 Filed 4-14-81; 8:45 am]
BILLING CODE 4310-70-M

Availability of Plan of Operations for the Purpose of Oil Drilling; Big Cypress National Preserve

Notice is hereby given pursuant to § 9.52(b), Title 36, of the Code of Federal Regulations of the availability for comment and review of a Plan of Operations submitted by Bass Enterprises Production Company for the purpose of oil drilling in the Turner River Road area of the Big Cypress National Preserve. Copies of the Plan of

Operations are available for review during normal business hours at Everglades National Park Headquarters, Route 27, 12 miles south of Homestead, Florida; at Big Cypress National Preserve, 850 Central Avenue, Room 300, Naples, Florida; and the National Park Service, Southeast Regional Office, 75 Spring Street, S.W., Atlanta, Georgia. Comments should be received on or before May 15, 1981. For further information contact Pat Tolle, Management Assistant, Everglades National Park, (305) 247-6211.

Dated: April 3, 1981.

C. W. Ogle,

Regional Director, Southeast Region.

[FR Doc. 81-11348 Filed 4-14-81; 8:45 am]

BILLING CODE 4310-70-M

Availability of Plan of Operations for the Purpose of Oil Drilling; Big Cypress National Preserve

Notice is hereby given pursuant to § 9.52(b), Title 36, of the Code of Federal Regulations of the availability for comment and review of a Plan of Operations submitted by Hughes and Hughes for the purpose of oil drilling in the Pole Pen Camp area of the Big Cypress National Preserve. Copies of the Plan of Operations are available for review during normal business hours at Everglades National Park Headquarters, Route 27, 12 miles south of Homestead, Florida; at Big Cypress National Preserve, 850 Central Avenue, Room 300, Naples, Florida; and the National Park Service, Southeast Regional Office, 75 Spring Street, S.W., Atlanta, Georgia. Comments should be received on or before May 15, 1981. For further information contact Pat Tolle, Management Assistant, Everglades National Park, (305) 247-6211.

Dated: April 3, 1981.

C. W. Ogle,

Regional Director, Southeast Region.

[FR Doc. 81-11349 Filed 4-14-81; 8:45 am]

BILLING CODE 4310-70-M

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 1:30 p.m. CST on May 13, 1981, at the New Orleans City Hall, City Planning Commission Conference Room, 1300 Perdido, New Orleans, Louisiana.

The Delta Region Preservation Commission was established pursuant to Public Law 95-265, Section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, in the development and implementation of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

Matters to be discussed at this meeting incude:

1. Bayou Des Families Navigability
2. Planning and Program Development Committee recommendation for the General Management Plan
3. Schedule for public meetings

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, 400 Royal Street, Room 220, New Orleans, Louisiana 70130, telephone area code 504 589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: April 8, 1981.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-11346 Filed 4-14-81; 8:45 am]

BILLING CODE 4310-70-M

Delaware Water Gap, National Recreation Area; New Jersey and Pennsylvania

AGENCY: National Park Service, Interior.

ACTION: Notice of Revision of Park Boundaries.

SUMMARY: With this notice, the National Park Service is notifying the public of adjustments to the boundaries of the recreation area, both including certain land within the boundaries and excluding other lands.

ADDRESSES: The revised boundary map is on file and available for inspection in the administrative office of the Delaware Water Gap National Recreation Area, Bushkill, Pennsylvania 18324; in the office of the Mid-Atlantic Region, 143 S. Third St., Philadelphia, Pa. 19106; and in the office of the National Park Service, Department of the Interior, 18th and C Sts., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Superintendent A. Amos Hawkins, Delaware Water Gap National Recreation Area, telephone 717-588-6637

SUPPLEMENTARY INFORMATION: Section 3(b) of Public Law 89-158 of the (89th Congress enacted September 1, 1965, (79 Stat. 612), as amended, authorized adjustments of the boundaries of the Delaware Water Gap National Recreation Area by publication of the amended description thereof in the **Federal Register.**

These boundaries are specified in Section 2(a) of the Act as "lands and interests therein within the boundaries of the area, as generally depicted on the drawing entitled 'Proposed Tocks Island National Recreation Area' dated and numbered September 1962, NRA-TI-7100."

In a subsequent Notice of Establishment published in the **Federal Register**, Vol. 42, No. 109, Tuesday, June 7, 1977, the Secretary of the Interior gave notice of the establishment of the Recreation Area.

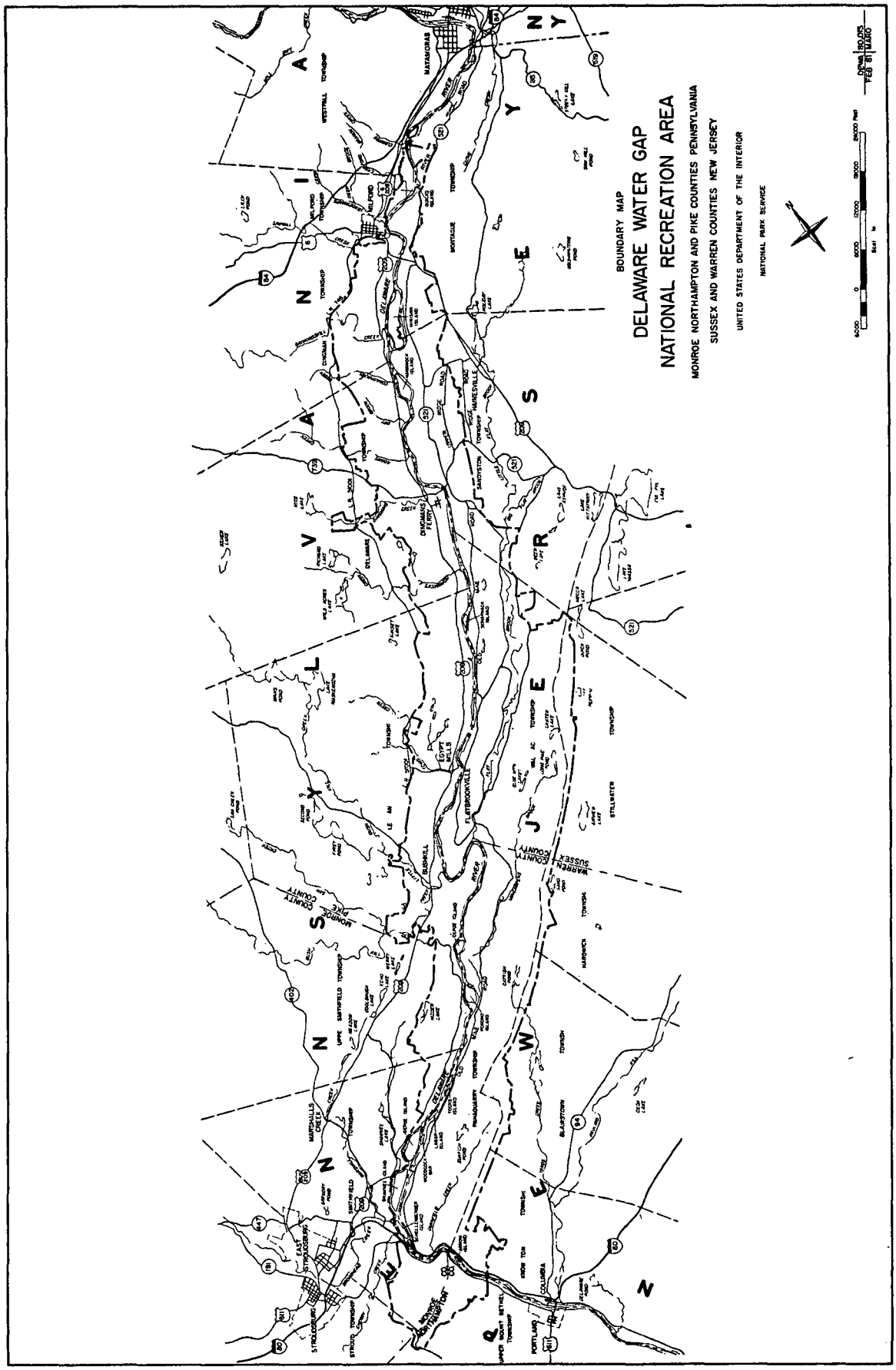
Notice is hereby given that the boundary of the Delaware Water Gap National Recreation Area has been revised pursuant to the above act, to include or exclude lands depicted on the boundary map numbered DEWA/80 013 dated February 1981. This map was prepared by the Division of Land Acquisition of the Mid-Atlantic Region of the National Park Service.

Dated: March 23, 1981.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

BILLING CODE 4310-70-M



[FR Doc 81-11351 Filed 4-14-81; 8:45 am]
BILLING CODE 4310-70-C

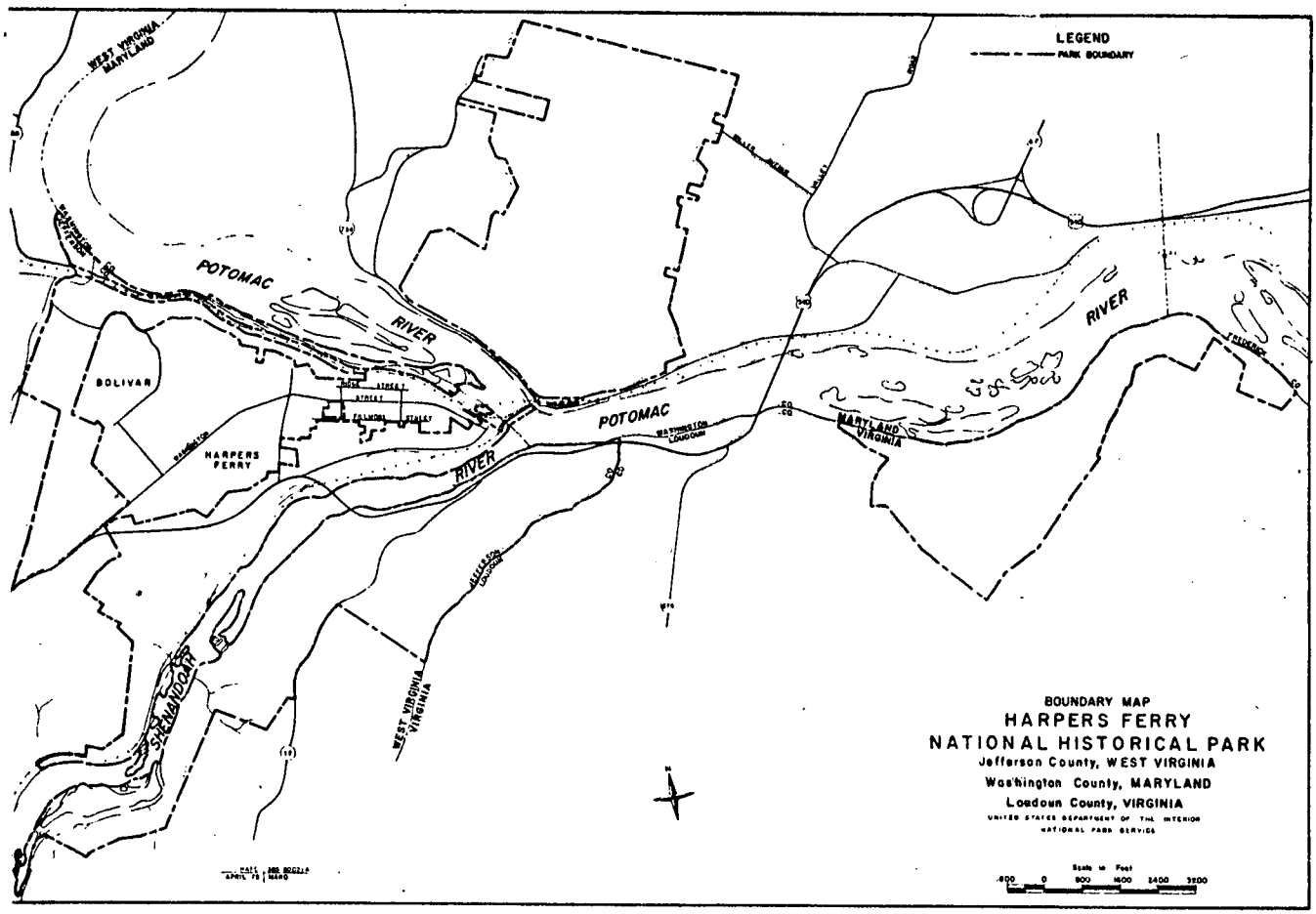
Publication of a Boundary Map, Harpers Ferry National Historical Park, Jefferson County, West Virginia; Washington County, Maryland; and Loudoun County, Virginia

There is hereby published a boundary map which details the land which is being added to the Harpers Ferry National Historical Park, pursuant to Public Law 96–199, Section 108, March 5, 1980. Comments on the map should be addressed to the office of Land Use Coordination, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Dated: April 2, 1981.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.



[FR Doc. 81–11350 Filed 4–14–81; 8:45 am]

BILLING CODE 4310–70–M

Supplementation of Mining Plan of Operations at Death Valley National Monument; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, E. R. Fegert, Inc. has filed a supplementation of a plan of operations in support of proposed open pit mining on lands embracing its Bullfrog Mining Claim within the Death Valley National Monument. This plan is available for public inspection during normal business hours at the Death Valley National Monument Headquarters, Death Valley, California.

Dated: March 20, 1981.

George Von der Lippe,

Superintendent, Death Valley National Monument.

Dated: April 2, 1981.

John H. Davis,

Regional Director, Western Region.

[FR Doc. 81-11090 Filed 4-14-81; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Amendment of Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby amend the determination published in **Federal Register** on March 19, 1979 (44 FR 16500) relating to the exhibit "5,000 Years of Korean Art," by adding to the places of exhibition or display the National Museum of Natural History, Washington, D.C., from on or about July 15, 1981, to on or about September 30, 1981. The extension of this temporary exhibition in the United States is in the national interest.

Public notice of this amendment of the determination is ordered to be published in the **Federal Register**.

Dated: April 3, 1981.

John W. Shirley,

Acting Director.

[FR Doc. 81-11321 Filed 4-14-81; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

[AB 156 SDM]

Delaware and Hudson Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the DELAWARE AND HUDSON RAILWAY COMPANY has filed with the Commission its amended color-coded system diagram map in docket No. AB 156 SDM. The Commission on March 31, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 156 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11341 Filed 4-14-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 2 SDM]

Louisville and Nashville Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Louisville and Nashville Railroad Company has filed with the Commission its amended color-coded system diagram map in Docket No. AB 2 SDM. The Commission on April 3, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets by requesting Docket No. AB 2 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11339 Filed 4-14-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 83 SDM]

Maine Central Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Maine Central Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 83 SDM. The Commission on March 20, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 83 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11340 Filed 4-14-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-111

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Roston, MA 02114.

MC 154121 (Sub-1-6TA), filed April 2, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except classes A and B explosives),* between the facilities used or utilized by Carter Wallace, Inc., on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Carter Wallace, Inc., Half Acre Rd., Cranbury, NJ 08512.

MC 151632 (Sub-1-7TA), filed April 2, 1981. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Road, Westfield, MA 01085. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Those commodities which, because of size or weight, require the use of special handling or rigging,* between points in CT, MA, NY, NJ and PA. Supporting shipper: Vanderbilt Contract Corporation, 6205 Barfield Road, Suite 215, Atlanta, GA 30328.

MC 150295 (Sub-1-3TA), filed April 2, 1981. Applicant: K & M DIESEL SERVICES, INC., 10-12 E. Maple Avenue, Cedarville, NJ 08311. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Sand,* from Dividing Creek and Millville, NJ to points in CT, DE, MD, NY and PA. Supporting shipper: Unimin Corporation and Unsil Corporation; 50 Locust Avenue, New Canaan, CT 06840.

MC 154121 (Sub-1-5TA), filed April 2, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except classes A and B explosives),* between the facilities used or utilized by Johnson & Johnson Products, Inc., on the one hand, and, on the other, points in the U.S. Supporting shipper: Johnson & Johnson Products, Inc., 501 George St., New Brunswick, NJ 08903

MC 115180 (Sub-1-3TA), filed April 2, 1981. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th St., New York, NY 10011. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Cheese, cheese food, and cheese products,* from Green Bay, WI, to points in CT, DE, ME, MD, MA, NJ, NY, NH, PA, RI, VT, and DC. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604.

MC 141932 (Sub-1-18TA), filed April 2, 1981. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner, 176 King Street, Hanover, MA 02339. *Garments, equipment and supplies and materials used in the manufacturing of garments* between Braintree and Randolph, MA on the one hand, and, on the other points in AR, FL, GA, ME, MS, NH, NC, SC, TN, TX and VA, restricted to traffic originating at or destined to the facilities of Collegetown—A division of Interco Inc., 1 Collegetown Drive, Braintree, MA 02184. Supporting shipper: Collegetown—division of Interco Inc., 1 Collegetown Dr., Braintree, MA 02184.

MC 1759 (Sub-1-3TA), filed April 2, 1981. Applicant: FROEHLICH TRANSPORTATION COMPANY, INC., Federal Road, Danbury, CT 06810. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. *Food products and equipment, materials and supplies used in the manufacture of food products* between Danbury, CT on the one hand, and, on the other, Portland, ME. Supporting shipper: S. B. Thomas, Inc., 930 North Riverview Drive, Totawa, NJ 07512.

MC 150254 (Sub-1-4TA), filed April 1, 1981. Applicant: ALLIED INTERNATIONAL TRUCKING CO., INC., 210 Beacham Street, Everett, MA 02149. Representative: Raymond P. Keigher, Esquire, 401 E. Jefferson Street, Suite 102, Rockville, MD 20850. *Such commodities as are dealt in or used by manufacturers, converters, distributors, and printers of paper, paper products, wood, wood products and wood fibre products (except commodities in bulk),* between points in Aroostook and Penobscot Counties, ME, on the one hand, and, on the other, points in CT, DE, MD, MA, NH, NJ, NY, OH, PA, RI, VA, WV and DC. Supporting shippers: BioEnergy of Lincoln Associates, 126 High Street, Boston, MA 02110; and Lincoln Pulp and Paper Co., Inc., Katahdin Avenue, Lincoln, ME 04457.

MC 87451 (Sub-1-20TA), filed April 1, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: William F. Mix, 153 Grove Street, Lexington, MA 02173. *Contract carrier:* irregular routes: *General commodities (except commodities in bulk, classes A and B explosives and household goods as defined by the Commission),* between points in RI on the one hand, and points and places in CT, DC, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI and VT. Supporting shipper: American Welding Co., Inc., P.O. Box 229, West Warwick, RI 02893.

MC 133526 (Sub-1-2TA), filed April 1, 1981. Applicant: DICKSON'S TRANSPORT AND COACH LINES (NAPANEE) LIMITED, 293 Dundas Street, West, Napanee, Ontario, CD K7R 2B4. Representatives: Herbert M. Canter, Esq. and Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. *Metal products and machinery* from ports of entry on the International Boundary Line between the US and CD in MI to Ellis County, TX. Supporting shipper: M.A.N.—Lepper Inc., 51 Ann Street, Napanee, Ontario, CD K7R 2L8.

MC 149335 (Sub-1-2TA), filed March 31, 1981. Applicant: ROUST VEHICLES, INC., 390 Orenda Road, Bramalea, Ontario, CD L6T 1G8. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. *Contract carrier:* irregular routes: *(1) Molded plastic and fibre products; (2) Fertilizer and fertilizer ingredients; and (3) Materials, supplies and equipment used in the manufacture, production, sale or distribution of such products,* between ports of entry on the International Boundary line between the US and CD in NY and MI, on the one hand, and, on the other, points in AL, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, MI, MO, MT, MN, MS, NJ, NY, NM, NC, NE, NV, OK, OH, PA, RI, SC, VA, VT, WI, WA, TN, TX and DC, restricted to the transportation of traffic, in foreign commerce, transported under continuing contract(s) with Kord Products Limited, Dachem Limited, and Plantco, Inc. of Ontario, CD. Supporting shipper(s): Plantco Inc., 314 Orenda Road, Bramalea, Ontario, CD; Dachem Limited, 275 Glidden Road, Brampton, Ontario, CD L6W 1H9; Kord Products Limited, 390 Orenda Road, Bramalea, Ontario, CD L6T 1G8.

MC 134221 (Sub-1-2TA), filed March 31, 1981. Applicant: C.B.L. TRUCKING & LEASING, INC., P.O. Box 8, Delanco, NJ 08075. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except classes A*

and B explosives), between points in NJ, NY, PA, DE, MD, CT, and DC. Supporting shipper(s): There are 25 statements in support of this application which may be examined at the I.C.C. regional office in Boston, MA.

MC 87451 (Sub-1-19TA), filed March 31, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as applicant). *Contract carrier:* irregular routes: *Woodenware, lumber, and lumber products, and materials, equipment and supplies used in the manufacture, sale and distribution thereof, (except commodities in bulk, classes A & B explosives and household goods as defined by the Commission)* between points and places in the US (except AK & HI) under continuing contract(s) with Orient Woodcraft, Inc. of Topsfield, MA. Supporting shipper: Orient Woodcraft, Inc., 105 Hill Street, Topsfield, MA 01983.

MC 155019 (Sub-1-1TA), filed March 31, 1981. Applicant: GAULEY-GAGE CARTAGE LIMITED, Civic Road, Scarborough, Ontario, CD M1L 2K6. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. *Contract carrier:* irregular routes: *Printed matter, and materials, supplies, and equipment used in the manufacture, production, sale, or distribution of printed matter,* between the US and CD located in NY on the one hand, and, on the other, points in Erie County, NY, under continuing contract(s) with Toronto Star Newspaper, Limited and Sam-Son Distribution Center, Inc. Supporting shipper(s): Toronto Star Newspaper Limited, 7271 Weston Road, Woodbridge, Ontario, CD L4L 1A5; Sam-Son Distribution Center, Inc., 290 Larkin Street, Buffalo, NY 14210.

MC 155020 (Sub-1-1TA), filed March 31, 1981. Applicant: JOSEPH MUSTO, 128 Stephens Avenue, Bronx, NY 10473. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Homing pigeons, and equipment and supplies used in the transportation of homing pigeons,* between Hoboken, NJ and points in Fairfield County, CT, on the one hand, and, on the other points in NJ, MD, VA, NC, SC, and DC. Supporting shippers: Hudson County Homing Pigeon Club, 423 Jackson Street, Hoboken, NJ 07030, and Southern Connecticut Homing Pigeon Combine, 301 Edward Street, Fairfield, CT 06430.

MC 93711 (Sub-1-1TA), filed March 31, 1981. Applicant: WALLINGTON MOTOR LINES, INC., 65 Clifton Blvd., P.O. Box 423, Clifton, NJ 07015. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Plastic and plastic articles, glassware, and paper and paper articles,* between NY, NY Commercial Zone, on the one hand, and, on the other, points in CT, NJ, NY, and PA. Supporting shipper(s): Metco Packing Corp., 1300 Metropolitan Ave., Brooklyn, NY; Norel Paper Company, 20 River Road, Bogota, NJ 07603 and W. Braun Company, 260 Fifth Avenue, NY, NY 10001.

MC 147621 (Sub-1-2TA), filed March 31, 1981. Applicant: BEE-JAY TRANSPORTATION, 1576 Hart Street, Rahway, NJ 07065. Representative: Henry J. Capro, Esq., 1585 Morris Avenue, Union, NJ 07083. *Industrial chemicals, photographic products and material, industrial and amateur (generally photopaper and film), roofing and building material, floor tiles and coverings, plastic articles, foam products, related inbound raw materials,* from NY, Union County, NJ, Fulton County, GA, Cook County, IL, Marshall County, KY, Lehigh County, PA, Orange County, CA, Galveston County, TX, Towson County, MD, to CA, AZ, CO, NM, KS, OK, TX, MO, AR, LA, IL, MS, MI, IN, KY, TN, AL, OH, GA, FL, NY, PA, WV, VA, NC, SC, NJ, DE, MD. Supporting shipper: GAF Corporation, 1361 Alps Road, Wayne, NJ 07470.

MC 142603 (Sub-1-20TA), filed April 2, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Susan E. Mitchel (same as applicant). *Contract carrier:* irregular routes: *General commodities, (except household goods as defined by the Commission and Classes A and B explosives)* between points in the United States under continuing contract(s) with Judd Paper Company of Holyoke, MA. Supporting shipper: Judd Paper Company, P.O. Box 669, Holyoke, MA 01040.

MC 141932 (Sub-1-17TA), filed April 1, 1981. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner (same as applicant). *Foodstuffs* between Franklin Park, IL, Denver, CO, Los Angeles and Milpitas, CA on the one hand, and, on the other, points in the US, restricted to traffic originating at the facilities of Fearn International, Inc., 9353 W. Belmont Avenue, Franklin Park, IL 60131. Supporting shipper: Fearn International, Inc., 9353 W. Belmont Avenue, Franklin Park, IL 60131.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 150444 (Sub-II-4TA), filed March 30, 1981. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same as applicant). *Contract,* irregular: *Glass, glass products, fiberboard, wood and wood products, and materials, equipment and supplies used in the manufacture, distribution sale of the foregoing commodities,* between the facilities of General Glass International at New Rochelle, NY, on the one hand, and, on the other, pts. in the US for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: General Glass International Corp., 270 North Ave., New Rochelle, NY 10801.

MC 150444 (Sub-II-5TA), filed March 30, 1981. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same as applicant). Contract, irregular: *Baseboard radiation units, boilers, and heating and air-conditioning units and equipment; apparatus and accessories used in connection with commodities named above; and boiler castings, copper tubing, steel and aluminum used in the manufacture thereof* between the plant sites of Slant/Fin Corp., Greenvale, NY, on the one hand, and, on the other, pts. in IA, MN, ND, SD, NY, WI, NE, MI, OH, IN, IL, KS, MO, CO, MT, CT, RI, MA, NJ, PA, DE, MD, DC, VA and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Slant/Fin Corp., 100 Forest Dr. at East Hills, Greenvale, NY 11548.

MC 152672 (Sub-II-4TA), filed April 1, 1981. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Rd., Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. *Plumbers goods and supplies, and the materials utilized in the manufacture thereof,* between those facilities utilized by the Eljer Plumbing Division of the Wallace-Murray Corp., on the one hand, and on the other, pts. in the US (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Eljer Plumbing Ware Division of the Wallace-Murray Corp., No. 3 Gateway Center, Pittsburgh, PA 15222.

MC 107012 (Sub-II-150TA), filed April 1, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Commercial and institutional fixtures and furniture* from the facilities of American Store Equipment Corp. at or near Liberty, SC to points in AL, AR, CT, DC, DE, FL, GA, IA, KY, LA, MA, MD, ME, MN, MS, NC, NH, NJ, NY, PA, RI, TN, TX, VA, VT,

and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Stores Equipment Corp., Highway 93 and Old Norris Rd., Liberty, SC 29657.

Note.—Common control may be involved.

MC 119894 (Sub-II-4TA), filed April 3, 1981. Applicant: BOWARD TRUCK LINE, INC., 100 Roesler Rd, Suite 200, Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same as applicant). *Hospital Supplies and Surgical Dressings,* from Greenwood, SC to Atlanta, GA; Augusta, GA; Chattanooga, TN; Greenville, NC; Knoxville, TN; Norfolk, VA; Petersburg, VA; Raleigh, NC; Richmond, VA; Wilmington, NC and Winston-Salem, NC, for 270 days. Supporting shipper: Parke, Davis and Co., P.O. Box 368, Greenwood, SC 29646.

MC 139771 (Sub-II-1TA), filed April 3, 1981. Applicant: GAFCO, INC., 1041 W. 45th St., Norfolk, VA 23508. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., DC 20005. *Contract* irregular, *building materials and materials and supplies used in the manufacture of building materials,* between Norfolk, VA, and points in its commercial zone, on the one hand, and, on the other, points in the US (except AK and HI), under a continuing contract with Hey'di American Corporation, Norfolk, VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hey'di American Corp., Norfolk, VA 23508.

MC 147032 (Sub-II-1TA), filed April 6, 1981. Applicant: GENERAL MOTOR LINES, INC., P.O. Box 9583, Baltimore, MD 21237. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *General Commodities (except classes A and B explosives),* between Baltimore, MD, Norfolk, VA, Philadelphia, PA, Wilmington, DE, and New York, NY, on the one hand, and on the other, points in PA, VA, MD, NJ; and DE (restricted to traffic having a prior or subsequent move by rail or water), for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: R. G. Hobelmann & Co., Inc., 900 First National Bank Bldg., Baltimore, MD 21202; Lavino Shipping Co., World Trade Center, Suite 2800, Baltimore, MD 21202; Cosmos Shipping Co., Inc., 26 South Calvert St., Baltimore, MD 21202.

MC 155114 (Sub-II-1TA), filed April 6, 1981. Applicant: LONERGAN'S CHARTER SERVICE, INC., 1109 Boucher Ave., Annapolis, MD 21403. Representative: Jeffrey W. Kohlman, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. *Passengers and their baggage,* in charter service, between points in Anne Arundel County, MD, on the one hand, and, on the other, points in the US (except HI), for 180 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 9 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 155086 (Sub-II-1TA), filed April 3, 1981. Applicant: RICHMOND TRUCKING, INC., Route 1, Box 255, Glen Morgan, WV 24847. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Contract, irregular, *Mine support systems and machinery and materials equipment, and supplies used in their manufacture, production and sales* between Raleigh County, WV, on the one hand, and, on the other, points in AL, AZ, CO, IN, KY, NV, NM, OH, PA, UT, WY, VA, and WV for 270 days, underlying ETA seeks 120 days authority, under continuing contract(s) with The Dosco Corp, Beckley, WV. Supporting shipper(s): The Dosco Corp., 1020 N. Eisenhower Dr., Beckley, WV 25801.

MC 150522 (Sub-II-8TA), filed April 6, 1981. Applicant: VIRGINIAN ELECTRIC COMPANY, d.b.a. VIRGINIAN POWER TRANSPORT, 530 29th St., Parkersburg, WV 26101. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Transmissions, transmission parts, engines, engine parts, materials and supplies used in their rebuilding and distribution,* between points in MI on the one hand, and, on the other, Guernsey and Tuscarawas County, OH and Kanawha County, WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Ray C. Call, Inc., P.O. Box 8245, South Charleston, WV 25303.

MC 9912 (Sub-II-9TA), filed April 6, 1981. Applicant: WARREN TRUCKING CO., INC., P.O. Box 2039, Martinsville, VA 24112. Representative: D. R. Beeler, 1261 Columbia Ave., Franklin, TN 37064. *Furniture and furniture fixtures* from GA to points in NY and PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: D. P. Furniture Dist. Inc., 92 Chaumont Dr., Williamsville NY 14221; Herman Lang, Inc., 2740 Smallman, Pittsburgh, PA 15222; David Leitman, Inc., 2740 Smallman, Pittsburgh, PA 15222; Padalino Weir Dist., 11 Clark Avenue, Troy, NY.

MC 79550 (Sub-II-5TA), filed April 2, 1981. Applicant: ERSKINE TRUCKING, INC., 6210 Center Rd., Lowellville, OH 44436. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Iron and steel articles* from the facilities of Auburn Steel Company, Inc., at or near Auburn, NY, to the facilities of Youngstown Steel Corp. at or near Struthers, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Youngstown Steel Corp., P.O. Box 236, Struthers, OH 44471.

MC 81908 (Sub-II-4TA), filed April 2, 1981. Applicant: GARNER TRUCKING, INC., Route No. 4, Findlay, OH 45840. Representative: John L. Alden, Stiverson and Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Food and related products,* from Savannah, GA to the facilities of Heinz USA located at or near Muscatine, IA and Pittsburgh, PA; and from the facilities of Heinz USA located at or near Pittsburgh, PA to the facilities of Heinz USA at Jacksonville, FL and in each case restricted to traffic originating at the named point and destined to the named facility for 270 days. An underlying ETA seeking 120 days authority has been filed. Supporting shipper: Heinz USA, Div of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 50069 (Sub-II-9TA), filed April 1, 1981. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, OH 43616. Representative: William P. Fromm (address same as applicant). *Liquid Molten Sulfur, in bulk, in tank vehicles.* From Ludington, MI to Toledo and Cairo, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Coulton Chemical Corp., 6600 Sylvania Ave., Sylvania, OH 43560.

MC 50069 (Sub-II-10TA), filed April 1, 1981. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: William P. Fromm (address same as applicant). *Reclaimed Solvent, in bulk, in tank vehicles.* From Salem, IL and Dayton, OH, to Memphis, TN and Louisville, KY for 270 days. Supporting shipper: Inmont Corp., 2148 S. 41st St., Louisville, KY 40211.

MC 155058 (Sub-II-1TA), filed April 1, 1981. Applicant: LEEK TRUCKING, INC., 89 Gilchrist Road, Mogadore, OH 44260. Representative: Attorney William J. Ross, 406 Belden Tower, Canton, OH 44718. Contract, irregular, *coal.* From points in the OH Counties of Stark and Tuscarawas to Monroe County (Dundee) MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dundee Cement Company, 15215 Day Road, Dundee, MI 48131.

MC 155058 (Sub-II-2TA), filed April 1, 1981. Applicant: LEEK TRUCKING, INC., 89 Gilchrist Road, Mogadore, Oh 42260.

Representative: Attorney William J. Ross, 406 Belden Tower, Canton, OH 44718. *Contract:* Irregular: *Gypsum:* From Monroe County (Saginaw) MI to points in the OH Counties of Greene, Stark, Mahoning, Muskingum and Columbiana, and the PA Counties of Butler, Lawrence and Allegheny for 270 days. An underlying ETA Seeks 120 days authority. Supporting shipper: Michigan Gypsum Co., P.O. Box 6280, Saginaw, MI 48608.

MC 79550 (Sub-II-4TA), filed April 2, 1981. Applicant: ERSKINE TRUCKING, INC., 6210 Center Rd., Lowellville, OH 44436. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Pipe* between the facilities of Consolidated Pipe & Supply Co., Inc., at or near New Castle, PA, on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA Seeks 120 authority. Supporting shipper: Consolidated Pipe & Supply Co., Inc., P.O. Box 2273, Rte. 185, New Castle, PA 16102.

MC 142559 (Sub-II-22TA), filed April 3, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *General commodities (except classes A and B explosives)* between the facilities of W. R. Grace & Co., Construction Products Division, on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: W. R. Grace & Co., Construction Products Division, 62 Whittemore Avenue, Cambridge, MA 02140.

MC 152509 (Sub-II-5TA), filed April 3, 1981. Applicant: CONTINENTAL TRANSPORTATION SYSTEMS, INC., 6266 Executive Drive, Dayton, Ohio 45424. Representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, VA 22030. (1) *Chemicals, toilet preparations and soaps (2) such commodities as is dealt in and sold by department stores, supermarket, hardware stores and drug stores;* and (3) *equipment, materials and supplies used in the manufacture, sale and distribution of (1) and (2).* Between Clifton, NJ on the one hand, and on the other points in PA for 270 days. Supporting shipper: American Cyanamid Co., Berden Avenue, Wayne, NJ 07470.

MC 135653 (Sub-II-5TA), filed April 6, 1981. Applicant: SPECIAL SERVICE TRANSPORTATION, INC., 1100 W. Smith, Medina OH 44256. Representative: Michael Spurlock, 275 E. State St., Columbus OH 43215. *Such products as are dealt in or used by retail, wholesale, and chain grocers and food business houses,* between Toledo OH and its commercial zone, on the one hand, and, on the other, points in PA and NY for 270 days. Supporting shipper: Hunt-Wesson Foods, Inc., P.O. Box 127, Rossford, OH 43460.

MC 154713 (Sub-II-3TA), filed April 6, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Iron and steel products and materials and supplies used in the manufacture and distribution of iron and steel products* between points in Boyd County, KY, on the one hand, and, on the other, points in AL, AR, CO, CT, GA, IL, IN, IA, KS, MD, MI, MS, NJ, NC, OH, OK, PA, SC, TN, TX, VA and WV for 270 days. Supporting shipper: Kentucky Electric Steel Co., P.O. Box 3500, Ashland, KY 41101.

MC 154713 (Sub-II-2TA), filed April 6, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Metal products* between points in Cabell County, WV, on the one hand, and, on the other, AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MS, ME, MD, MA, MI, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT and VA for 270 days. Supporting shipper: Connors Steel Co., P.O. Box 118, Huntington, WV 25706.

MC 140243 (Sub-II-5TA), filed March 30, 1981. Applicant: APPLE HOUSE, INC., 3726 Birney Ave., Scranton, PA 18505. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Flavored ices, frozen; material, equipment and supplies used in the manufactue of flavored ices* between Moosic, PA on the one hand, and, on the other, points in FL, GA, NC and SC, for 270 days. An underlying ETA seks 120 days authority. Supporting shipper: MIA Products, P.O. Box 270, Scranton, PA 18501.

MC 150568 (Sub-II-2TA), filed March 30, 1981. Applicant: CASE CARRIAGE CO., 715 S. Sugar St., Celina, OH 45822. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *(1) Such commodities as are dealt in or used by manufacturers or distributors of bicycles, automotive supplies, sporting goods and marine supplies,* between the facilities of Huffy Corporation at or near Celina and Delphos, OH; Azuza, CA; Milwaukee, WI and Ponca City, OK, on the one hand, and, on the other, points in the U.S.; *(2) such commodities as are dealt in by manufacturers or distributors of meat, meat products, meat by-products, meat packing house products, cheese and cheese products, except in bulk,* from the facilities of International Trading Co. at or near Houston, TX to Cincinnati and Napoleon, OH; Louisville and Bowling Green, KY; Memphis, TN; Omaha, NE; Topeka, KS; Miami, FL; Denver, CO; and Oklahoma City, OK for 270 days. An underlying ETA seeks 120 days authority.Supporting shipper: Huffy Corp., 410 Grand Lake Rd., Celina, OH 45822; International Trading Co., P.O. Box 9572, Houston, TX 77006.

MC 155016 (Sub-II-1TA), filed March 30, 1981. Applicant: BRANDON CLEMENTS d.b.a. BRANDON CLEMENTS TRUCKING CO., Box 119, Spring Gove, VA 23881. Representative: Carroll B. Jackson, 1810 Vincennes Rd. Richmond, VA 23229. *Contract* irregular, (1) *lumber or wood products* and (2) *materials, equipment and supplies used in the manufacture, distribution and sales of commodities in (1) above,* between Hampton, VA (and points in the commercial zone) on the one hand, on the other, points in DE, MD, NJ, NY, PA, VA, WV and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Commonwealth Wood Preservers, Inc., P.O. Box 5041, Newport News, VA 23605.

MC 19806 (Sub-II-1TA), filed March 30, 1981. Applicant: CROSSMAN'S VAN & STORAGE CO., INC., 7135-41 Germantown Ave., Philadelphia PA 19119. Representative: Winifield A. Hall, 7831 Horrocks St., Philadelphia, PA 19152. *Household goods, electronics and displays,* (1) between pts. in CT, DC, DE, FL, GA, IL, IN, MA, MD, ME, NC, NH, NJ, NY, OH, PA, SC, VA and WV, and (2) between pts. in AL, KY, LA, MS, RI, TN, TX, and VT, for 270 days. Applicant intends to tack and interline. Supporting shipper: Naval Support Activity, Bldg. 75, Code 33, Philadelphia Naval Base, Philadelphia, PA 19112; J. Russell Winder Realtors, 7151 Germantown Ave., Philadelphia, PA 19119.

MC 155017 (Sub-II-1TA), filed March 30, 1981. Applicant: EVERETT C. FISHER, t/a FISHER DELIVER CO., 1417 Peters Creek Rd., NW., Roanoke, VA 24017. Representative: Everett C. Fisher (same address as applicant). *Pneumatic tools and materials, parts and supplies to manufacture same,* between Roanoke County, VA, and NC, SC, WV, MD, PA, NJ and OH, for 270 days. Supporting shipper: Ingersoll-Rand Co., 7500 Shadwell Dr., Roanoke, VA 24019.

MC 155015 (Sub-II-1TA), filed March 30, 1981. Applicant: TRB COMPANY, P.O. Box 25, Wheelersburg, OH 45694. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Contract; Irregular:* Transporting *coal* between Lawrence and Scioto Counties,

OH, on the one hand, and, on the other, Boyd, Breathitt, Greenup, Johnson, Knott, Pike, Perry and Martin Counties, KY under contract(s) with Belville Mining Company, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Belville Mining Co., Inc., P.O. Box 25, Wheelersburg, OH 45694.

MC 150954 (Sub-II-25TA), filed March 30, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. *Contract,* Irregular; *General commodities, except classes A and B explosives,* (1) between Ontario, CA; Plainville, CT; Chicago, (and the Interstate Commercial Zones thereof) and Danville, IL; Ft. Wayne, Linton and Mt. Vernon, IN; St. Louis, MO; Brockport, Ft. Edward, Hudson Falls, Schenectady, Selkirk and Waterford, NY; Asheboro, NC; Allentown, PA; El Paso, TX; Portsmouth, VA and Seattle, WA and (2) between points above on the one hand, and on the other, points in AZ, CA, CO, CT, GA, ID, IL, IN, KS, LA, MA, MD, MO, NJ, NM, NY, OH, OK, OR, PA, TX, UT and WA, under continuous contract in Freight Forwarding Operation, GENERAL ELECTRIC COMPANY, Oak Brook, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Freight Forwarding Operation, General Electric Co., 2015 Spring Road, Oak Brook, IL 60521.

MC 150954 (Sub-II-26TA), filed March 30, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tresoro Drive, Suite 515, San Antonio, TX 78217. *Contract,* Irregular; *Red lead, dry in bags,* from Laredo, TX (Ex-Mexico) to points in CA, under continuous contract with SIEFLOR CORPORATION, Hollywood, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sieflor Corp., 10850 Riverside Dr., Suite 304, North Hollywood, CA 91364.

MC 14215 (Sub-II-8-TA), filed March 30, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Coal,* between Washington Co., PA on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Otisca Industries, Ltd., P.O. Box 18, Burgettstown, PA 15021.

MC 134639 (Sub-II-1TA), filed March 30, 1981. Applicant: ROSS TRANSFER & STORAGE, INC., P.O. Box 2164, Hagerstown, MD 21740. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Irregular: *Contract; furniture and materials, equipment and supplies* used in the manufacture, sale and distribution of furniture, between Washington County, MD, on the one hand, and, on the other, points in IL, PA, NY, and NC for 270 days. Supporting shipper: Novan Manufacturing Co., 104 Key St., Hagerstown, MD 21740.

MC 153050 (Sub-II-3-TA), filed March 30, 1981. Applicant: RIVER BEND TRANSPORT CO., Sunset Ave., North Bend, OH 45052. Representative: David F. Boehm, 2208 Central Trust Tower, Cincinnati, OH 45202. *General commodities in bags and in bulk* between Cincinnati, OH, commercial zone on the one hand, and, on the other, points in IN, KY, OH, and WV for 270 days. Supporting shipper: Coal Age International Corp., 207 East Reynolds Rd., Lexington, KY 40523.

MC 149230 (Sub-II-5TA), filed April 1, 1981. Applicant: BRAMCO TRANSPORT, INC., 5600 Lewis Rd., Sandston, VA 23150. Representative: P. Owen Dean (same address as applicant). *Contract,* irregular; *automotive parts, accessories, components and equipment, publications advertising material, packaging and shipping supplies utilized in connection with the commodities named above,* between Richmond, VA and Marysville, Warren, Center Line and Brownstown, MI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chrysler Corp., 26311 Lawrence Ave., Center Line, MI 48015.

MC 138000 (Sub-II-32TA), filed April 2, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Irregular: *Contract:* Plastic and rubber articles, including materials, equipment and supplies used in the manufacture, sale and distribution of plastic and rubber articles, between Wooster, OH, Winchester, VA, Statesville, NC, Greenville and Cleburne, TX, including their respective commercial zones, on the one hand, and, on the other, points in DC, DE, MD, NJ, NY, OH, PA, VA, GA, NC, SC, TX, LA, OK, and AR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Rubbermaid Commercial Products, Inc., 3124 Valley Avenue, Winchester, VA 22601; Rubbermaid Incorporated, 1147 Akron Road, Wooster, OH 44681; Rubbermaid Applied Products, P.O. Box 5338, Statesville, NC 28677.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 106674 (Sub-4-43TA), filed March 31, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as above). (1) *Aluminum and zinc alloy ingots* and (2) *aluminum and zinc scrap and materials, equipment and supplies used in the manufacture of (1) above* between Cuyahoga and Lake Counties, OH and points in and east of MN, IA, MO, AR and LA. Supporting shipper: Aluminum Smelting and Refining Company, Inc., 5463 Dunham Road, Maple Heights, OH 44137.

MC 111299 (Sub-4-3TA), filed March 31, 1981. Applicant: KIRVAN TRUCK LINES, INC., P.O. Box 829, International Falls, MN 56649. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Pulp, paper and related products,* between points in MN and WI. Supporting shippers: Menasha Corporation, P.O. Box 367, Neenah, WI 54956. DuMar Chemicals, Inc., 3000 W. Hampton Avenue, Milwaukee, WI 53209. Paper Polymer Additives, Inc., 1611 Poplar Lane, Wausau, WI 54401.

MC 111812 (Sub-4-30TA), filed March 30, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). *Alcoholic beverages (except commodities in bulk),* from Jacksonville, FL to Omaha, NE; Bismarck and Fargo, ND. An underlying ETA seeks 120 days authority. Supporting shippers: Ed Phillips & Sons Co., 10100 "J" Street, P.O. Box 27367, Omaha, NE 68127 and Ed Phillips & Sons Co., 318 North 5th Street, P.O. Box 1978, Fargo, ND 58102.

MC 118806 (Sub-4-4TA), filed April 1, 1981. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodier Boulevard, Winnipeg, Manitoba R2J 3K4. Representative: Bernard J. Kompare, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Glass and glass products* (except in bulk), from the ports of entry on The International Boundary Line between the U.S. and Canada, located in MN and ND, to points in IA, IL, MN and ND. An underlying ETA seeks 120 days' authority. Supporting shipper: Canasphere Industries, Ltd., 603 High Street West, Moose Jaw, Saskatchewan S6H 1T5.

MC 120737 (Sub-4-10TA), filed April 1, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C.

Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Iron and steel valves,* from Dixon, IL to points in the U.S. Supporting shipper: Henry Pratt Company, 401 Highland Ave., Aurora, IL 60507.

MC 124078 (Sub-4-65TA), filed March 30, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Liquid resins, textile softeners, liquid plastics, washing compounds* from Langley, SC to points in SC, NC, and GA. Supporting shipper: Valchem Division United Merchants, P.O. Box 38, Langley SC 29834.

MC 124078 (Sub-4-66TA), filed March 31, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Nitric acid and nitrogen fertilizer solution* from North Bend & Cincinnati, OH to points in IN, KY, PA, MI WI, IL, TN, AL, and NC. Supporting shipper: Kaiser Agricultural Chemicals Division, Kaiser Aluminum & Chemical Corporation, P.O. Box 246, Savannah, GA 31402.

MC 125285 (Sub-4-2TA), filed March 31, 1981. Applicant: SKYLINE EXPRESS, INC., 1703 Highway Two, Duluth, MN 55810. Representative: E. L. Newville (same address as applicant). *Minerals, dry commodities, in bulk,* between points in MN, MI, IL, ND, SD, WI, IA, and IN. Supporting shipper: Cutler Magner Co., 12th Ave. West and Waterfront, Duluth, MN 55802.

MC 133689 (Sub-4-76TA), filed March 31, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Printed matter,* between the facilities of Quadgraphics, Inc., at Pewaukee, WI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Quadgraphics, Inc., DuPlainville Road, Pewaukee, WI 53072.

MC 134477 (Sub-4-42TA), filed March 31, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Sinkers and equipment, materials and supplies used in the manufacture and distribution of sinkers,* between White Bear Lake, MN on the on hand and on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Water-Gremilin Co., 4370 Otter Lake Rd., White Bear Lake, MN 55110.

MC 138890 (Sub-4-3TA), filed March 30, 1981. Applicant: MOODIE, INC., 300 Acorn Street, Stevens Point, WI 54481. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Foodstuffs, and materials, equipment and supplies,* between points in Fond du Lac County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Underlying ETA seeks 120 days authority. Supporting shipper: Ripon Foods, Inc. and Heritage Wafers, Ltd., Oshkosh Street, Ripon, WI 54971.

MC 142257 (Sub-4-1TA), filed March 31, 1981. Applicant: STYER TRANSPORTATION CO., 20445 Iberia Avenue, Lakeville, MN 55044. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Office partitions and parts* between Dakota County, MN and Winnebago County, IA. An underlying ETA has been granted for 120 days. Supporting shipper: Rosemont Office Systems, Inc., Airlake Industrial Park, Lakeville, MN 55044.

MC 142258 (Sub-4-1TA), filed March 31, 1981. Applicant: DALE BLAND TRUCKING, INC., R.R. #1, Switz City, IN 47465. Representative: Joseph P. Murdock, P.O. Box 40248, Indianapolis, IN 46240. *Coal,* from Veedersburg, IN, to Oakwood, IL. Supporting shipper: Amselco Shand, Inc., 9101 Weslyan Road #309, Indianapolis, IN.

MC 142715 (Sub-4-19TA), filed March 31, 1981. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Beverages* from Detroit, MI; Chicago, IL and St. Paul, MN to DePere, WI. Supporting shipper: Kay Distributing Company, P.O. Box 26, DePere, WI 54115.

MC 142715 (Sub-4-20TA), filed March 31, 1981. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Paint, varnishes, stains and equipment, materials and supplies* used in the manufacture, distribution and sales of these commodities, between Baltimore, MD; Brunswick, GA; Houston, TX; Minneapolis, MN and South Bend, IN on the one hand, and, on the other, all points in the US in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: The O'Brien Corporation, 2001 W. Washington, South Bend, IN 46624.

MC 145664 (Sub-4-18TA), filed March 31, 1981. Applicant: Stalberger, Inc., 223 So. 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson, P.O. Box 6749, Duluth, MN 55807. *Paper products,* between Morrison County, MN on the one hand, and on the other hand, points and places in the U.S. Supporting shipper: Hennepin Paper Company, Little Falls, MN.

MC 145664 (Sub-4-19TA), filed March 31, 1981. Applicant: STALBERGER, INC., 223 So. 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson, P.O. Box 6749, Duluth, MN 55807. *Construction materials and equipment, crane parts, and equipment, supplies and materials used in the manufacture, sale and distribution thereof,* between St. Louis County, MN on the one hand, and, on the other, between all points in the U.S. Supporting shipper: Clyde Iron, 29th Avenue West and Michigan St., Duluth, MN 55807.

MC 145664 (Sub-4-20TA), filed March 31, 1981. Applicant: STALBERGER, INC., 223 So. 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson, P.O. Box 6749, Duluth, MN 55807. *Bricks, blocks, slabs, tiles, decorating timbers, and related articles,* between points in WI and MN. Supporting shipper: Patio Town, P.O. Box 836, Lake Elmo, MN.

MC 147039 (Sub-4-9TA), filed March 31, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Rd., Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *Transportation equipment and related products, primary metal products including galvanized- and chemicals or related products,* between points in MI and points in KY, NC, VA, and WV. Supporting shipper: Norris Industries, 2085 East Michigan Ave., Ypsilanti, MI 48197.

MC 147264 (Sub-4-13TA), filed March 26, 1981. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood Ave., Muncie, IN 47304. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Food and related products,* from LaPorte County, IN to points in OK. Supporting shipper: American Home Foods Division, American Home Products Corp., 685 Third Ave., New York, NY 10017.

MC 148506 (Sub-4-1TA), filed March 31, 1981. Applicant: ROAD & RAIL TRUCKING COMPANY, 5565 Chauncey Drive, Belmont, MI 49306. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second Street, Elkhart, IN 46516. *Carpet,* from Kent County, MI, and Hamilton County, OH, to points in IL, IN, KY, MI, OH, PA, WV, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: C. H. Masland & Sons, Box 40 Carlisle, PA 17013.

MC 148700 (Sub-4–2TA), filed March 26, 1981. Applicant: JERICHO TRUCKING CO., INC., S9 W26422 Windsor Place, Waukesha, WI 53186. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. *Contract;* irregular: *Powdered chemicals,* from Milwaukee, WI, to points in IL, IN, IA, MI, MN, MO, and OH, under continuing contract(s) with D C S Color & Supply Co., Inc. Supporting shipper: D C S Color & Supply Co., Inc., 1050 East Bay Street, Milwaukee, WI 53207.

MC 149401 (Sub-4–2TA), filed March 31, 1981. Applicant: TANK TRANSPORT, INC., P.O. Box 315, Lannon, WI 53046. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Contract: Used lubricating oils, in bulk, in tank vehicles* from Milwaukee, WI to McCook, IL under continuing contract(s) with Motor Oils Refining Company, McCook, IL. An underlying ETA seeks 120 day authority. Supporting shipper: Motor Oils Refining Company, 7601 West 47th Street, McCook, IL 60525.

MC 149531 (Sub-4–2TA), filed March 31, 1981. Applicant: SULLI-VAN LINES, INC., 43 Cortland Avenue, Highland Park, MI 48203. Representative: Lillian M. Ryan (same address as applicant). *Contract* irregular: *General commodities* (except classes A and B explosives), between all points in the U.S. Restricted to traffic moving under continuing contract with Indiana Glass Company. Supporting shipper: Indiana Glass Company, 717 West East Street, Dunkirk, IN.

MC 151415 (Sub-4–2TA), filed March 31, 1981. Applicant: HORIZON CHARTER COACHES, INC., P.O. Box 15655, Milwaukee, WI 53215. Representative: William C. Dineen, 710 N. Plankinton, Milwaukee, WI 53203. Common, regular and irregular, (1) *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over regular routes, between St. Louis, MO, and Peoria, IL: From St. Louis over the Eads Bridge to East St. Louis, IL, thence over alternate U.S. Highway 67 to Alton, IL, thence over U.S. Highway 67 to Virginia, IL, thence over Illinois Highway 78 to junction U.S. Highway 24, thence over U.S. Highway 24 to Lewistown, IL, thence returning over U.S. Highway 24 to junction Illinois Highway 78 thence over U.S. Highway 24 to Peoria, and return over the same route. Between Orchard Mines, IL, and Pekin, IL: From Orchard Mines over Illinois Highway 9 to Pekin, and return over the same route. Between Springfield, IL, and Quincy, IL, and Hannibal, MO, as follows: From Springfield over U.S. Highway 36 to Kinderbrook, IL, thence over Illinois Highway 96 to Quincy. From Springfield over U.S. Highway 36 via Kinderbrook IL, to Hannibal. Return over these routes to Springfield. Between St. Louis, MO, and Alton, IL: From St. Louis over U.S. Highway 67 to Alton, and return over the same route. Service is authorized to and from all intermediate points on the above-specified routes, except that no interstate passengers may be carried between Peoria and Pekin, IL. (2) *Passengers and their baggage,* in charter operations, beginning and ending at points on the routes named in (1) above and extending to points in the United States, including AK but excluding HI. (3) *Passengers and their baggage,* in charter and special operations in all expense, sightseeing and pleasure tours, beginning and ending at points in Hancock, Peoria, Tazewell, Mason, Cass, Brown, Adams, Morgan, Calhoun, Pike, Scott, Greene, and Jersey Counties, IL; Marion and Lewis Counties, MO; and Lee County, IA, and extending to points in the United States, including Alaska, but excluding Hawaii. An underlying ETA seeks 120 days authority. Supporting shippers: Capitol Tours, Inc., P.O. Box 4241, Springfield, IL 62708; Sunshine Holidays, Inc., 2503A Lebanon Avenue, Belleville, IL, 62221; Jacksonville Bus Line Co., Jacksonville, IL.

MC 152207 (Sub-4–2TA), filed March 31, 1981. Applicant: C.W.C. CO., 4700 Quebec Avenue North, New Hope, MN 55428. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Building materials* between points in IN, MI and MO, on the one hand, and, on the other points in MN. An underlying ETA seeks 120 days authority. Supporting shippers: Brock-White Company, 7555 Florida Avenue, Golden Valley, MN 55426; White's Inc., 4700 Quebec Avenue North, New Hope, MN 55428.

MC 153357 (Sub-4–2TA), filed March 31, 1981. Applicant: TRANSX, LTD., 2595 Inkster Blvd., Box 36, Group 200, R.R. 2, Winnipeg, Manitoba R3C 2E6, Canada. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW, Washington, DC 20036. *Lumber and particle board,* between points of entry on the international boundary line between the U.S. and Canada in ND, on the one hand, and, on the other, points in WI and IL. An underlying ETA has been filed for 120 days. Supporting shippers: Fournier Stands Manufacturing of Canada, Ltd., 1309 Mountain Avenue, Winnipeg, Manitoba, R2X 2YT, Canada; and Marathon Forest Products, Ltd., 500 Jarvis Ave., P.O. Box 1197, Winnipeg, Manitoba, R3C 2Y4, Canada.

MC 154674 (Sub-4 1TA), filed March 26, 1981. Applicant: ELMER BUCHTA TRUCKING, INC., 414 Washington Street, Otwell, IN 47564. Representative: Donald W. Smith, P.O. Box 40248 Indianapolis, IN 46240. *Coal,* from DuBois County, IN to Cairo, IL.; Supporting shipper: Engineered Fuels, Inc., No. 1 River Front Plaza, Louisville, KY.

MC 154674 (Sub-4 2TA), filed March 31, 1981. Applicant: ELMER BUCHTA TRUCKING, INC., 414 Washington, Street, Otwell, IN 47564. Representative: Donald W. Smith, P.O. Box 40248 Indianapolis, IN 46240. *Coal,* from Spencer County, IN to Daviess County, KY. An underlying ETA seeks 120 days authority. Supporting shipper: Mid-America Terminals, Inc., P.O. Box 985, Owensboro, KY 42302.

MC 154681 (Sub-4–3TA), filed April 1, 1981. Applicant: NORTH CENTRAL TRANSPORTATION, INC., RR #2, Box 83B, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract* irregular: *Lumber and wood products* from points in MI, WI and MN to points in CA, WA, UT and OR, under contract(s) with AMPAC Hardwoods, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: AMPAC Hardwoods, Inc., #206, 7412 Southwest Beaverton Hwy., Portland, OR 97225.

MC 154956 (Sub-4–1TA), filed March 30, 1981. Applicant: LOREN FUNK AND WILLIAM FUNK, d.b.a. FUNK TRUCKING, Route 2, Chatfield, MN 55923. Representative: Loren Funk and William Funk (address same as applicant). *New office and church furniture and the raw materials used in the manufacture* thereof between points in Olmsted and Fillmore Counties, MN and points in the U.S. Supporting shipper: Halcon Corp., Stevartville, MN and Touhy Furniture Corp., Chatfield, MN.

MC 154957 (Sub-4–1TA), filed April 1, 1981. Applicant: SILGAS, INCORPORATED, 4025 Highway 31 East, Jeffersonville, IN 47130. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. *Anhydrous ammonia,* from Cincinnati, OH, Henderson, KY, and Wilder, KY to points in IN. Under continuing contract(s) with Indiana Farm Bureau Cooperative Assoc., Inc. Supporting shipper: Indiana Farm Bureau Cooperative Assoc., Inc., 120 East Market Street, Indianapolis, IN 46204.

MC 154972 (Sub-4-1TA), filed March 27, 1981. Applicant: COLLIE EQUIPMENT AND MANUFACTURING, INC., P.O. Box 455, West Fargo, ND 58078. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Food and related products,* between the facilities of General Nutrition Mills, Inc., at West Fargo, ND, on the one hand, and, on the other, points in the U.S. Supporting shipper: General Nutrition Mills, Inc., 1301 North 39th Street, Fargo, ND 58102. An underlying ETA seeks 120 days authority.

MC 155021 (Sub-4-1TA), filed March 31, 1981. Applicant: ECONEXPRESS, INC., 618 West St., Wheaton, IL 60187. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract,* irregular: *Hazardous materials and hazardous substances,* between points in the U.S. except AK and HI under contract to Econex Incorporated. Supporting shipper: Econex Inc., 618 West St., Wheaton, IL 60187.

MC 155022 (Sub-4-1TA), filed March 31, 1981. Applicant: PROCHNOW FARMS, INC., Route 5, Medford, WI 54451. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract;* irregular; *such commodities as are dealt in by manufacturers and distributors of animal feeds and farm supplies* between points in IA, IL, MN, and WI. Restricted to transportation to be performed under a continuing contract(s) with Bootzin's, Inc., Christensen Sales Corp., Colrud Farm Supply, Consumers Co-op Exchange, Dorchester Cooperative, General Feeds & Seeds, Inc., Medford Co-op Co., Milwaukee Grain & Feed Co., Inc., The Pillsbury Company, Prince Corporation, Stratford Farmers Co-op, H-H Van Gordon & Son, and Warner Brokerage Co. An underlying ETA seeks 120 days authority. Supporting shippers: There are 13.

MC 155025 (Sub-4-1TA), filed March 30, 1981. Applicant: ARNOLD BERG, JR. d.b.a. BERG GRAIN & PRODUCE, Box 746, Moorhead, MN 56530. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Automobile and truck parts and accessories,* from DE, KY, MI, OH, PA, IL, IN, and WI, to points in ND, SD, and MN. An underlying ETA seeks 120 days authority. Supporting shipper: Pioneer Rim and Wheel Company, Minneapolis, MN.

MC 155026 (Sub-4-1TA), filed March 31, 1981. Applicant: JOY McNAMARA d.b.a. SHAMROCK EXPRESS, 1401 N.E. Madison, Minneapolis, MN 55413. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. (1) *Metal products* and (2) *waste or scrap materials not identified by industry producing,* between points in IA, IL, MN, ND, SD, and WI. An underlying ETA seeks 120 days authority. Supporting shippers: Viking Materials, Inc., 5620 Smetana Drive, Minnetonka, MN 55343; American Iron & Supply Company, 2800 North Pacific St., Minneapolis, MN 55411.

MC 155029 (Sub-4-1TA), filed March 31, 1981. Applicant: BENNIE R. BUFFORD d.b.a. BEN'S TRUCKING, 1732 West Mineral Street, Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Animals, for race and show purposes,* between points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper(s): Alice Scales (an individual), 1039 N. Cass St., Apt. 24, Milwaukee, WI 53202. Bert Shaw (an individual), 2235 W. National Ave., Milwaukee, WI 53204. Betty Jones (an individual), 1529 S. 113th, Milwaukee, WI 53214. Blue Top Farm, 25847 Meadow Lane, Pewaukee, WI 53072. James Neddo (an individual), 743 S. 24th St., Milwaukee, WI.

MC 155030 (Sub-4-1TA), filed March 31, 1981. Applicant: BRADLEY TRANSPORTATION, INC., 2209A Lakesade Drive, Bannockburn, IL 60015. Representative: Frederick W. Smart, Suite 202, 1301 W. 22nd Street, Oak Brook, IL 60521. *Contract;* Irregular: *General commodities* (except household goods, classes A and B explosives and hazardous waste materials), between points in IL, IN, IA, MN, MI, NE, OH, KY, MO, and WI on the one hand, and, on the other, the 48 contiguous States (Restricted to export and import traffic) under continuing contracts with J.D. Marshall International, Inc., Richmond Transportation, Inc., National Oats Company, Inc., Central Soya, and Globe Expediters, Inc. There are 7 supporting shippers.

MC 64932 (Sub-4-9TA), filed April 3, 1981. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, IL 60453. Representative: William F. Farrell, 10735 South Cicero Ave., Oak Lawn, IL 60453. *Recycled paint thinner, in bulk, in tank vehicles,* from Fort Wayne, IN to IL, KY, MI, MO, WI and OH. Supporting shipper: Hancher Industrial Waste Management, Inc., 3651 North Clinton, Ft. Wayne, IN 46809.

MC 105159 (Sub-4-15TA), filed April 3, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55006. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Cheese* from points in IA, IL, MN, MO, OH, and WI to points in MO and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Milk House Cheese Corporation, 9119 South Gessner, Suite 200, Houston, TX 77074.

MC 114829 (Sub-4-9TA), filed April 3, 1981. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling, IL 71081. Representative: Bernard J. Kompare, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. *Contract;* Irregular: *General commodities (except classes A and B explosives),* between points in IL, on the one hand, and, on the other, points in IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD and WI, under contract(s) with All States Shippers Ass'n, Inc. An underlying ETA seeks 120 days' authority. Supporting shipper: All States Shippers Ass'n, Inc., 6035 Northwest Highway, Chicago, IL 60631.

Republication

MC 142848 (Sub-4-1TA), filed March 10, 1981. Applicant: JAMES R. POSHARD AND SON, INC., P.O. Box 69, Mt. Vernon, IN 47620. Representative: Norman R. garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Coal,* between points in IL, IN and KY. Supporting shipper: Southwind Marketing Service, P.O. Box 364, Mt. Vernon, IN 47620.

MC 144879 (Sub-4-4TA), filed April 3, 1981. Applicant: D AND J TRANSFER CO., Highway 4 North, Sherburn, MN 56171. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Alcoholic beverages,* between the facilities of State Distillers, Inc., at or near Mankato, MN, on the one hand, and, on the other, points in the U.S. in and east of MT, WY, CO, OK and TX. Supporting shipper: State Distillers, Inc., 1119 Center Street, N. Mankato, MN 56001.

MC 152730 (Sub-4-4TA), filed April 1, 1981. Applicant: DEPENDABLE TRANSIT, INC., P.O. Box 21, 300 South, Hartford City, IN 47348. Representative: William E. Ervin, 211 N. High Street, Hartford City, IN 47348. *Plastic Articles, material, equipment and supplies used in the manufacture and distribution and sale thereof (except commodities in bulk)* between points in the United States on the one hand and on the other restricted to traffic originating at or destined to the facilities utilized by Supporting shipper: Amoco Foam Products Company, 2100 Powers Ferry Road, Suite 200, Atlanta, GA 30099.

MC 152730 (Sub-4-5TA), filed April 3, 1981. Applicant: DEPENDABLE TRANSIT, INC., P.O. Box 21, Hartford City, IN 47348. Representative: William E. Ervin, 211 N. High Street, Hartford

City, IN 47348. (1) *Glass Containers, and Container Assemblies, materials, equipment and supplies used in the manufacture, sale and distribution of glass container assemblies* Between Jay County, IN, on the one hand and on the other all points in the States of IL, KY, MI, MO, OH, and WI. (2) *Glass Products, materials, equipment and supplies utilized in the manufacture, sale, and distribution of glass products.* Between Blackford County, IN; Delaware County, IN; and Jay County, IN to all points in the United States (except AK and HI). (3) *Lumber and Particleboard* Between Franklin, VA on the one hand, and on the other all points in the States of IL, IN, KY, MI, and OH. (4) *Malt Beverages, and commodities used in the sale and distribution of malt beverages.* From Columbus, OH; St. Louis, MO; Milwaukee, WI; Detroit, MI; Perry, GA on the one hand and on the other to all points in IN. (1), (2), and (3) has underlying ETA and was granted. Supporting shippers: (1) Kerr Glass Manufacturing Corporation, P.O. Box 97, Sand Springs, Oklahoma 74063. (2) Indiana Glass Company, Subsidiary of Lancaster Colony Corporation, 717 E Street, Dunkirk, Indiana 47336. (3) Union Camp Corporation, 1600 Valley Road, Wayne, New Jersey 07470. (4) Beerco, Inc., 725 E. Water Street, Hartford City, Indiana 47348.

MC 153988 (Sub-4-2TA), filed April 6, 1981. Applicant: RYAN TRANSFER & STORAGE CO., 888 Mackubin St., St. Paul, MN 55117. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract;* Irregular; *Fabricated metal products,* from the facilities of Cleco Construction Co., Inc., at St. Paul, MN to Superior, WI. Supporting shipper: Cleco Construction Co., Inc., 162 York Avenue, St. Paul, MN 55117.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission; Post Office Box 17150, Fort Worth, TX 76102.

MC 52460 (Sub-5-34TA), filed April 6, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga, P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. *(1) Malt Beverages and related advertising materials, (2) Empty used Beverage containers and materials and supplies used in and dealt with by Breweries,* (1) From Houston County, GA, to points in AR, CO, KS, MO, and OK, (2) From points in AR, CO, KS, MO, and OK, to Houston County, GA. Supporting shipper: Pabst Brewing Co., Hwy. 247 Spur, Pabst, GA 31069.

MC 106398 (Sub-5-68TA), filed April 6, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). *Manufactured Stone Products,* from Viola, IL to points in MO, KS, IN and IA. Supporting shipper: Tri-State Stone and Brick Company, P.O. Box 567, Viola, IL 61486.

MC 110581 (Sub-5-4TA), filed April 6, 1981. Applicant: G & H MOTOR FREIGHT LINES, INC., 118 S.E. Jackson Street, Greenfield, IA 50849. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Equipment, materials, parts, and supplies dealt in, or used, in the construction, operation, and maintenance of railroads,* between pts in NE, on the one hand, and, on the other, pts in MN, IA, and MO, (including pts in the St. Louis, MO commercial zone). Supporting shipper: Union Pacific Railroad, 1416 Dodge Street, Omaha, NE 68179.

MC 119399 (Sub-5-59TA), filed April 6, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Malt beverages;* from Ft. Wayne, IN to Joplin and West Plains, MO. Supporting shippers: Frank Evans Distributing Company; Joplin, MO 64801; West Plains Distributing Company, West Plains, MO 65775.

MC 119399 (Sub-5-60TA), filed April 6, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *General commodities (except household goods, classes A and B explosives and commodities in bulk);* between Ouachita and Calhoun Counties, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Highland Resources, Inc., East Camden, AR 71701.

MC 119493 (Sub-5-58TA), filed April 6, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, (same as above). *Lumber, plywood, building materials, such commodities as are dealt in by hardware stores and home improvement centers, and materials and supplies used in the manufacture and distribution of the above commodities, except in bulk* Between points in AZ, CA, CO, IA, IL, IN, KS, MN, MO, NM, NE, OR, OK, & TX on the one hand and points in the U.S. on the other hand. Supporting shippers: Payless Cashways, Inc., 3100 Broadway, Kansas City, MO 64111; Kansas City Plywood Co., 1612 Taney St., N. Kansas City, MO 61116.

MC 126118 (Sub-5-62TA), filed April 6, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *Such commodities as are dealt in and used by manufacturers and distributors of malt beverages,* between Fort Wayne, IN and Galveston, TX, on the one hand, and, on the other, pts in AR, CO, IA, KS, MN, MO, NE, NM, ND, OK, SD, and WY. Supporting shipper: Falstaff Brewing Corp., Joan Piatt, Marketing Administrator, P.O. Box 9038, Omaha, NE 68109.

MC 134134 (Sub-5-16TA), filed April 6, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Alcoholic beverages,* from pts in NY, NJ, MI, MD, KY, and IL, ot the facilities of St. Joseph Wholesale Liquor Co., St. Joseph, MO. Supporting shipper: St. Joseph Wholesale Liquor Co., 4621 Easton Road, St. Joseph, MO 64503.

MC 134752 (Sub-5-2TA), filed April 6, 1981. Applicant: HILL & WILLIAMS BROS., INC., 799 44th Street, Marion, IA 52302. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. (1) Grain products and materials and supplies used in the processing of grain products; (2) feed premixes, animal and poultry health products, and livestock feeding equipment; and (3) construction machinery and equipment, and parts and accessories for construction machinery and equipment, between Cedar Rapids, IA, on the one hand, and, on the other pts in the U.S. (except AK and HI). Supporting shippers: National Oats Company, Inc., 1515 H Avenue, N.E., Cedar Rapids, IA 52402; Vigortone Ag Products Company, 5264 Council Street, N.E., Cedar Rapids, IA 52406; Altorfer Machinery Company, 2600-6th Street, S.W., Cedar Rapids, IA 52406.

MC 135691 (Sub-5-12TA), filed April 6, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75238. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Flexible air duct components and air diffusers* (1) from Ft. Worth, TX, to Tampa, FL; (2) from Springdale, AR, to Tampa, FL; (3) from Greensboro, NC, to Springdale, AR; (4) from Grand Haven, MI, to Greensboro, NC; Tampa, FL; Springdale, AR; Sacramento, CA; and Ft. Worth, TX. Supporting shipper: Atco Rubber

Products, Inc., 4920 Mark IV Parkway, Ft. Worth, TX 76106.

MC 138069 (Sub-5-9TA), filed April 6, 1981. Applicant: LUCIUS, INC., 2512 South 163rd St., Omaha, NE 68130. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Meat and packinghouse products,* from Holcomb, KS to pts in IL, IN, MI, WI and OH. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 144107 (Sub-5-1TA), filed April 6, 1981. Applicant: CITY-WIDE CARTAGE CONTRACT CARRIER, INC., 3317 McKinley, Des Moines, IA 50321. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Contract, irregular; *General commodities (except Classes A and B explosives),* between pts in IA, IL, KS, MN, MO, and NE, under continuing contract(s) with K-Mart Corporation of Troy, MI. Supporting shipper(s): K-Mart Corporation, 3100 West Big Beaver Road, Troy, MI 48084.

MC 144622 (Sub-5-79), filed April 6, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *Cable filler, paper* from Newport News, VA to Gardena, CA. Supporting shipper: Pacific Electricord Company, 747 West Redondo Beach, Gardena, CA 90247.

MC 145904 (Sub-5-10TA), filed April 6, 1981. Applicant: SOUTH WEST LEASING, P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., Olsen, Snelling & Christensen, P.A., 5200 Willson Road, Suite 307, Edina, MN 55424. *Meat, meat products, meat by-products and related products distributed by meat packing houses* from Denver, Fort Morgan, Sterling, CO, to pts in IL, IN, IA, MN, MI, OH, and WI. Supporting shipper: Sterling Colorado Beef, Right of Way Road, Sterling, CO 80751.

MC 145970 (Sub-5-2TA), filed April 6, 1981. Applicant: SKILLETT & SONS, INC., Rush Center, KS 67575. Representative: Erle W. Francis, Esq., 719 Capitol Federal Bldg., Topeka, KS 66603. Contract: Irregular. *Oil field machinery, component parts, materials, equipment and supplies used in the manufacture, sales and distribution on oil field machinery,* between all points and places in the U.S. except AK and HI. Supporting shipper: K.T.M. Products, Ltd., 5831 Anchorway Drive, Great Bend, KS 67530.

MC 146814 (Sub-5-1TA), filed April 6, 1981. Applicant: VAN WYK, INC., "C" Street, Sheldon, IA 51201. Representative: Arlyn L. Westergren, Westergran & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Motorcycles,* From Chicago, IL to Sioux Falls, SD and Sheldon, IA. Supporting shipper: Shadco, Inc. d.b.a. Cycle Empire, 3600 S. Westport, Sioux Falls, SD 57116; Glen's Sport Center, Inc., Highway 60 South, Sheldon, IA 51201.

MC 151158 (Sub-5-5TA), filed April 6, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Such commodities as are dealt in by wholesale grocery stores* between Little Rock, AR and its commercial zone on the one hand, and, on the other, Nashville, TN; Sikeston, MO and Tupelo, MS and points in their respective commercial zones. Supporting shipper: Goldstar Dairy, a subsidiary of Shur-Value Stamp Co., a subsidiary of Affiliated Food Stores, P.O. Box 362, Little Rock, AR 72203.

MC 151339 (Sub-5-3TA), filed April 6, 1981. Applicant: LOCK TRUCK LEASING, INC., 122 Penn St., P.O. Box 274, Irving, TX 75060. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Floor coverings and materials and supplies used in the installation thereof,* from the facilities of L.D. Brinkman, Inc. located at or near Irving, TX, to the facilities of L. D. Brinkman, Inc. located at or near Phoenix, AZ. Supporting shipper: L. D. Brinkman Company, P.O. Box 47586, Dallas, TX 75247.

MC 152444 (Sub-5-4TA), filed April 6, 1981. Applicant: SHARP'S TRUCK & TRACTOR, INC., Business Hwy No. 36 and 69 West, Cameron, MO 64429. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Anhydrous ammonia, liquid fertilizer and dry fertilizer* between Jackson County, MO on the one hand, and on the other, points in IA. Supporting shipper: Chevron Chemical Company, P.O. Box 282, Ft. Madison, IA 52627.

MC 153323 (Sub-5-5TA), filed April 6, 1981. Applicant: IOWA-TEXAS EXPRESS, LTD., P.O Box 283, Denison, IA 51442. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products, 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 (except hides and commodities in bulk),* from San Angelo, TX to pts in CT, DC, DE, IA, IL, IN, MA, MD, ME, NH, NY, NJ, OH, PA, RI, VA, VT, and WV. Supporting shipper: Monfort of Colorado, P.O. Box G, Greeley, CO 80631.

MC 154646 (Sub-5-2TA), filed April 6, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Avenue, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Metal products,* between pts in Stanton County, NE on the one hand, and, on the other, pts in WA, OR, CA, NV, AZ, NM, ID, MT, WY, CO, TX and UT. Supporting shipper: Nucor Steel, P.O. Box 309, Norfolk, NE 68701.

MC 154768 (Sub-5-5TA), filed April 6, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 682 61st Street, Des Moines, IA 50312. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Contract irregular *Boots, shoes, sandals, slippers, and accessories used in the retail shoe stores,* (1) between pts in IA, (2) between pts in IA, on the one hand, and, on the other, Omaha, NE, and (3) between Omaha, NE, and pts in IA, on the one hand, and, on the other, pts in Rock Island County, IL, under continuing contract(s) with Meldisco, Division of Melville Corp. of Hackensack, NJ. Supporting shipper: Meldisco, Division of Melville Corp., 401 Hackensack Ave., Hackensack, NJ 07647.

MC 155107 (Sub-5-1TA), filed April 6, 1981. Applicant: GEORGE R. BUCHANAN d.b.a. SUPER "B" EXPRESS, P.O. Box 1195, Sherman, TX 75090. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Merchandise as dealt in by wholesale and retail stores,* between Grayson County, TX, on the one hand, and on the other, points in FL, GA, AL, MS, TN, IL, MO, AR, LA, OK, KS, NE, WY, MT, CA, NV, CO, and NM. Supporting shippers: There are five supporting shippers.

The following protests were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 155050 (Sub-6-1TA), filed March 31, 1981. Applicant: ROBERT D. KING d.b.a., APACHE FREIGHT LINES, 4022 Guilford Way, Livermore, CA. 94550. Representative: Robert D. King (same as applicant). *Contract Carrier,* Irregular: *Newspaper Supplements, Advertising Matter and Roll Newsprint Paper.* Between Berkeley, CA., and it's commerical zone on the one hand, and, on the other, points in WA, OR, CA, ID, NV, AZ, CO, NM, MT, TX and WY. For the account of Gazette Press Inc. for 270 days. Supporting shipper: Gazette Press, 846 Anthony St., Berkeley, CA. 94710.

MC 115931 (Sub-6-7TA), filed March 30, 1981. Applicant: BEE LINE TRANSPORTATION, INC., POB 3987, Missoula, MT 59806. Representative: Robert N. Maxwell, POB 2471, Fargo, ND 58108. *Lumber and wood products* between points in Beltrami County, MN, on the one hand, and, on the other, points in CA, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, ND, OH, OR, PA, SD, UT, WA, WV, WI, and WY. For 270 days. Supporting shipper: The Mead Corporation, Courthouse Plaza, NE, Dayton, OH 45463.

MC 40915 (Sub-6-3TA), filed March 30, 1981. Applicant: BOAT TRANSIT, INC., P.O. Box 1403, Newport Beach, CA 92663. Representative: John T. Wirth, 717—17th St., Ste. 2600, Denver, CO 80202. *Such commodities as are dealt in and used by manufacturers and distributors of fiberglass tanks,* between Georgetown, DE, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX, for 270 days. Supporting shipper: Justin Fiberglass, Inc., P.O. Box 511, Georgetown, DE 19947.

MC 99396 (Sub-6-1TA), filed March 31, 1981. Applicant: L. J. CERKUEIRA d.b.a. C-WAY EXPRESS, 730—11th Ave., Oakland, CA 94606. Representative: Larry J. Cerkueira (same as applicant). *Contract Carrier,* Irregular routes: *General Commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in the Los Angeles and Oakland, CA commerical zones on the one hand, and, on the other, points in OR and WA. Restricted to traffic moving on bills of lading of freight forwarders operating under 49 U.S.C. Section 10102 (8) and further restricted to traffic moving on bills of lading of Rocky Mountain Express, Inc. for the account of Rocky Mountain Express, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rocky Mountain Express, Inc., 1948—16th Avenue, San Francisco, CA 94116.

MC 25869 (Sub-6-2TA), filed April 2, 1981. Applicant: C.O.D.E., INC., 4800 No Colorado Blvd., Denver, CO 80216. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Meat, meat products and meat by-products, and articles distributed by meat packinghouses* from points in CO, NE, IA, and SD to all points in the U.S., except points in NM, AZ, NV, UT, ID, MT, and WY. For 270 days. Supporting shipper: There are eight supporting shippers. Their statements may be examined at the Regional Office listed.

MC 155060 (Sub-6-1TA), filed April 1, 1981. Applicant: COLORADO DELIVERY SERVICE, INC., 1041 Elbert St., Denver, CO 80221. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203. *Household cleaning items, brooms, brushes, personal care products, cosmetics and promotional materials as are sold by direct sales companies,* from Denver, CO to points in CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Fuller Brush Company, P.O. Box 729, Great Bend, KS.

MC 141033 (Sub-6-5TA), filed March 30, 1981. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Representative: Harris L. Rabins (same as applicant). (1) *Paper and paper related products,* (2) *machinery used in relation to (1),* and (3) *plastics and cellulose film, aluminum foil, textile labels and tags, reflective sheeting and materials used in manufacturing thereof,* between points in the U.S. (except AK and HI) and the facilities of Avery International for 270 days. Supporting shipper: Avery International, 250 Chester St., Painesville, OH 44077.

MC 136605 (Sub-6-35TA), filed March 31, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B. 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Particleboard,* from the facility of Louisiana Pacific Corporation located at or near Missoula, MT to points in OH, MI and IN, for 270 days. Supporting shipper: Louisiana Pacific Corporation, P.O.B. 4007, Missoula, MT 59806.

MC 136605 (Sub-6-36TA), filed March 31, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B. 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Plastic pipe,* from Madison, WI to points in WY, for 270 days. Supporting shipper: Hurlbut Plastic Pipe Corp., P.O.B. 489, Madisón, WI 53704.

MC 136605 (Sub-6-37TA), filed April 2, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B. 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Iron and steel articles (coils, pipe and tube),* from the facilities of Central Steel Tube Company located at or near Clinton, IA to points in the U.S. in and west of MN, IA, MO, AR, LA (except AK and HI) for 270 days. Supporting shipper: Central Steel Tube Company, P.O.B. 551, Clinton, IA 52732.

MC 141742 (Sub-6-2TA), filed April 2, 1981. Applicant: FLOWERS TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, CA 95603. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Contract Carrier,* Irregular routes: *Lumber and wood products, pulp, paper and related products, metal products, building materials, and commodities used in the manufacture of the above,* between the facilities of Louisiana Pacific Corporation on the one hand, and, on the other, MN, IA, MO, AR, and LA under continuing contract(s) with Louisiana Pacific Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Louisiana Pacific Corporation, P.O. Box 158, Samoa, CA 95564.

MC 143331 (Sub-6-1TA), filed March 2, 1981. Applicant: FREIGHT TRAIN TRUCKING, INC., P.O. Box 817, Paramount, CA 9073. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Zinc oxide and zinc dust* from Torrance, CA, to points in AR, KS, OK, and TX, for 270 days. Supporting shipper: Pacific Smelting Co., P.O. Box 3399, Torrance CA 90510.

MC 155031 (Sub-6-1TA), filed March 30, 1981. Applicant: THOMAS E. KRAMER, ARLENE S. KRAMER, JOHN W. HOUSTON and THOMAS A. KRAMER, a partnership, d.b.a. KRAMER'S & HOUSTON TOWING SERVICE, 1617½ E. Mulberry, Fort Collins, CO 80524. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203. *Wrecked and disabled motor vehicles and related equipment* between points in AZ, CO, ID, KS, MT, NE, NV, NM, OK, TX, UT and WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are seven shippers. Their statements may be examined at the office listed above.

MC 155040 (Sub-6-1TA), filed March 30, 1981. Applicant: FRANK A. KAISER, III and LENA KAISER, a partnership, d.b.a. L & D TRANSPORT, 10383 Avenue 408, Dinuba, CA 93618. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, Clearfield, PA 16830. *Trailer hitches and materials and supplies used in the production thereof,* between Milpitas, CA, on the one hand, and, on the other, Holland, MI, Denmark, SC, Wiley, TX, and Ports of Entry in MI, on the International Boundary Line between the U.S. and CD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Holland Pacific Hitch Company, 901 Ames Ave., Milpitas, CA 95035.

MC 144572 (Sub-6-12TA), filed April 1, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O.B. G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste 2600, Denver, CO 80202. *Such commodities as*

are dealt in and used by manufacturers and distributors of x-ray equipment, from Los Angeles, CA to Phoenix, AZ, Albuquerque, NM, and Denver, CO; restricted to traffic originating at or destined to the facilities of Blair X-Ray Manufacturing, Inc., for 270 days. Supporting shipper: Blair X-Ray Manufacturing, Inc., 10852 W. 44th Ave., Wheat Ridge, CO 80013.

MC 146648 (Sub-6-1TA), filed March 2, 1981. Applicant: NIMCO TRUCKING, INC., 308 S. 25th St., Boise, ID 83706. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Contract carrier,* irregular routes: *Plastic pipe and fittings* from the facilities of Johns-Manville Sales Corp., at or near Umatilla, OR to points in ID and UT under continuing contract(s) with Johns-Manville for 270 days. Supporting shipper: Johns-Manville Sales Corp., 20600 Campus Drive, San Mateo, CA 94403.

MC 141532 (Sub-6-13TA), filed April 1, 1981. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Hwy., Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Rd., Salt Lake City, UT 84104. *Steel pipe;* from Portland, OR to points in WA, OR, CA, NV, ID, UT, AZ, MT, WY, CO and NM, for 270 days. Supporting shipper: Beall Pipe, Inc., 12005 N. Burgard Rd., Portland, OR 97203.

MC 123115 (Sub-6-2TA), filed April 1, 1981. Applicant: PACKER TRANSPORTATION CO., 280 Parr Blvd., Reno, NV 89512. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Contract carrier,* irregular routes: *Construction materials, iron and steel articles, raw steel wire; galvanized and PVC coated, and wire mesh products,* between points in the U.S., for the account of Terra Aqua Conservation, for 270 days. Supporting shipper: Terra Aqua Conservation, 4930 Energy Way, Reno, NV 89502.

MC 148874 (Sub-6-5TA), filed March 31, 1981. Applicant: PROFICIENT FOOD COMPANY, 17872 Cartwright Road, Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. *Contract carrier,* irregular routes: *Food and related products; furniture and fixtures; pulp, paper and related products; chemicals and related products used in the operation of a restaurant;* between points in the U.S. except AK and HI, for 270 days. An underlying ETA seeks 120 days authority. Restricted against transportation in bulk or tank truck. Supporting shipper: Burger King Corporation, 9200 S. Dadeland Blvd., Miami, FL 33152.

MC 155069 (Sub-6-1TA), filed April 2, 1981. Applicant: RIVER CITY TOURS, INC., 2853 Stephens Lane, El Dorado Hills, CA 95630. Representative: Don H. Lee (same address as applicant). *Passengers and their baggage,* in special and charter operations in round-trip operations from Sacramento, Placer, Yolo, El Dorado, Amador, Sutter, Yuba, and Nevada Counties, CA to points in Washoe and Douglas Counties, and Carson City, NV, and return to origin, for 180 days. Supporting shipper(s): Frontier Travel and Tours, 1923 N. Carson Street, Carson City, NV 89701.

MC 126514 (Sub-6-28TA), filed March 30, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 LaSalle St., Chicago, IL 60603. *Copper and aluminum wire, empty reels and materials and supplies used in the manufacture and distribution of these items* from the facilities of Anaconda-Ericsson, Inc., Orange County and Los Angeles County, CA; Arlington, TX; Marion and Indianapolis, IN; Middletown, PA and Watkinsville, GA to points in the U.S. for 270 days. Supporting shipper: Anaconda-Ericsson, Inc., Wire & Cable Div., 303 W. Palm Ave., Orange, CA 92666.

MC 126514 (Sub-6-29TA), filed April 2, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. *Automobile parts and automobile air-conditioning kits* from Torrance, CA to Denver, CO: Vancouver, WA; Portland, OR; Little Rock, AR; Columbus, OH; Chicago IL and Baltimore, MD for 270 days. Supporting shipper: Hitachi America, Ltd., 449 Alaska Ave, Torrance, CA 90503.

MC 155048 (Sub-6-1TA), filed March 30, 1981. Applicant: H. JOHN HANSEN, d.b.a. SNOWY MOUNTAIN LUMBER TRANSIT, Bundy Rt., Box 26, Lavina, MT 59046. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101. *Contract carrier;* irregular routes, *lumber and wood products including: poles, railroad ties, chips, and other lumber or wood products, except furniture, as defined in Group 24 of the Standard Transportation Commodities Code Tariff,* under continuing contracts with Castle Mountain Corp., White Sulphur Springs, MT, from points in MT to points in ND, SD, NB, MN, and IA, for 270 days. Supporting shipper: Castle Mountain Corp., White Sulphur Springs, MT, 59645.

MC 155059 (Sub-6-1TA), filed April 1, 1981. Applicant: ZIP TRUCK LINES, INC., P.O. Box 337, Moses Lake, WA 98837. Representative: Boyd Hartman, P.O. B 3641, Bellevue, WA 98009. *Contract Carrier,* Irregular routes: *Machinery and mine ore and concentrates* between ports of entry on U.S. Canadian border located in WA and ID and points in the U.S. and between points in ID, WA, OR, NV, and UT, under continuing contract or contract with Victor Industries Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Victor Industries, 515-116th N.E. Suite 205, Bellevue, WA 98004.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11337 Filed 4-14-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 55 SDM]

Seaboard Coast Line Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Seaboard Coast Line Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 55 SDM. The Commission on April 3, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 55 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11338 Filed 4-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 20)]

Seaboard Coast Line Railroad Co.; Exemption for Contract Tariff ICC-SCL-C-0005

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49

U.S.C. 10713(e). The effective date of the contract tariff, together with the contract filed is authorized to be advanced on one day's notice following service of this decision. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

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

SUPPLEMENTARY INFORMATION: The Seaboard Coast Line Railroad Company (SCL), by petition filed March 25, 1981, seeks a provisional exemption under 49 U.S.C. 10505 from 49 U.S.C. 10713(e). It wishes to advance the effective date of its contract tariff ICC SCL C-0005 to April 1, 1981 on one day's notice. Initially, we note that the petition was not received by the office handling these requests until April 3, 1981.

The contract covers movement of stone, jetty or riprap to Wilmington, N.C. The stone is for a Corps of Engineers project at Little River Inlet. The rate permits a rail-water movement via Wilmington in place of a truck-water movement via another facility. Shipments were to begin approximately April 1. The project has a completion date of January, 1984 and penalties will accrue if it is not so completed. SCL states that every effort was made to expedite the necessary arrangements.

SCL states that the statutory notice period would be an undue burden on it and the involved shipper. To allow effectiveness only after a 30-day period would jeopardize timely completion of the project.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition shall be granted. The carrier's obligation to provide service to other shippers should not be impaired. SCL states that it does not expect protests. We thus conclude that authorization of a provisional exemption is warranted, although the lateness of the filing of the petition has precluded an effective date of April 1, 1981.

SCL will be bound by the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract, and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

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

Dated: April 7, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11342 Filed 4-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29505]

Sierra Railroad Co.; Petition for Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10903-10906

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Sierra Railroad Company (Sierra) owns a 57.4 mile rail line in Stanislaus and Tuolumne Counties, CA. In Finance Docket No. 29506 it proposes to sell 50 miles of the line to Silver Foot, Inc. (Silver Foot). Sierra wants to abandon the remaining 7.4 miles of track and seeks exemption of the abandonment from Commission regulation. No shipments have moved over the track for 15 years and no shippers are situated on this segment of track.

DATES: Exemption effective 30 days after this publication in the **Federal Register.** Petitions for reconsideration of this action must be submitted within 20 days of this publication.

ADDRESSES: Send pleadings to: (1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th and Constitution Ave., N.W., Washington, DC 20423. Petitioners representative: and (2) Lawrence B. Low, 3 Embarcadero Center, 23rd Floor, San Francisco, CA 94111 (All pleadings should refer to Finance Docket No. 29505).

FOR FURTHER INFORMATION CONTACT: Ellen Hanson (202) 275-7245.

SUPPLEMENTARY INFORMATION: Sierra is seeking an exemption pursuant to 49 U.S.C. 10505 from the provisions of 49 U.S.C. 10903 for the proposed abandonment of its rail segment extending from milepost 50 to milepost 57.4, a distance of 7.4 miles in Tuolumne County, CA. The line segment has not been utilized for 15 years. No shippers would be affected by the proposed abandonment. Under 49 U.S.C. 10903, a rail carrier providing transportation subject to the jurisdiction of the Commission may abandon part of its railroad line only if we find that the present or future public convenience and necessity require or permit the abandonment. Sierra has requested exemption from abandonment regulation so that it does not have to file an abandonment application.

Under 49 U.S.C. 10505 (amended by Section 213 of the Staggers Act of 1980, Pub. L. No. 96-448) the Commission can exempt a transaction if it: (1) is not necessary to carry out the transportation policy of section 10101a; and (2) either is of limited scope or is not needed to protect shippers from the abuse of market power.

Since no service has been performed on this short segment of track for many years, no shippers will be affected. Accordingly, regulation of the proposed transaction is not necessary to carry out the goals of the Rail Transportation Policy of section 10101a. In addition, the proposal is of limited scope.

In granting an exemption under 49 U.S.C. 10505, the Commission may not relieve a carrier of its obligation to protect the interests of employees as otherwise required by 49 U.S.C. Subtitle IV. 49 U.S.C. 10505(g)(2). We have determined that the employee protective provisions developed in *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979), satisfy the statutory requirements in abandonment proceedings. Since the rail line here has not been operated for 15 years, no employees should be adversely affected. However, we will impose employee protective provisions in order to comply with the statute in the event employees are adversely affected.

Friends of the Sierra Railroad (Friends) and several Tuolumne County residents, a merchants association and the historical society have filed petitions requesting that we consider the historic significance of the route between Stanislaus and Tuolumne, CA. The petitions chronicle the rich history of Sierra, and argue that the historic integrity of the line will be jeopardized by this proposal. The line has been proposed for listing in the National

Register of Historic Places, and for that purpose, they point out, the entire line must be maintained intact. They also contend that California has appropriated money to purchase this historic line, and request that a condition be imposed requiring the track to be kept in place for a one year period so that negotiations for the purchase of the line can be completed. Sierra has agreed not to dismantle the 7.4 mile track prior to January 2, 1982.

We will grant the petition for exemption. In view of Sierra's willingness not to dismantle the track until January 2, 1982, we need not consider whether a condition could or should be imposed. We note that we have broad power to revoke an exemption and can revoke this exemption if applicant does not abide by this commitment. The exemption granted here will become effective 30 days from this decision's date of publication in the **Federal Register**. Any party may file a petition to reopen this proceeding for reconsideration in accordance with 49 CFR 1100.98(d).

We find: (1) The application of the requirements of 49 U.S.C. 10903 to the proposed abandonment is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a.

(2) The proposed transaction is of limited scope.

(3) This decision: (a) will not relieve any rail carrier from an obligation to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707; and (b) will not relieve any rail carrier from obligation to protect the interest of employees as required by 49 U.S.C. 11347.

(4) This action will not significantly affect either energy consumption or the quality of the human environment.

It is ordered: (1) The proposed abandonment is exempted under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 10903, subject to the conditions for the protection of railroad employees imposed in *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979).

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register for publication.

(3) This exemption will continue in effect for one year from the effective date. Applicants must consummate this transaction during that time in order to take advantage of the exemption which we have granted.

(4) This decision shall be effective 30 days from the date of publication in the **Federal Register**.

(5) Petitions to stay the effective date of this decision must be filed no later than 10 days following the date of publication in the **Federal Register**.

(6) Petitions to reopen the proceeding must be filed no later than 20 days following the date of publication in the **Federal Register**.

Decided: April 8, 1981.

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

Agatha L Mergenovich,

Secretary.

[FR Doc. 81-11836 Filed 4-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 59]

Restriction Removals; Decision-Notice

Decided: April 10, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Boad, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF-175 (Sub-4)X, filed April 6, 1981. Applicant: B. C. FORWARDING CO., LTD., 3600 South Western Ave., Chicago, IL 60609. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead freight forwarder permit to authorize radial operations in place of one-way service: between points in and east of MN, IA, NE, KS, MO, AR and LA, and, points in the province of British Columbia and Vancouver Island, Canada.

MC 3104 (Sub-5)X, filed April 6, 1981. Applicant: Z & M MOTOR LINE, INC., 205 Bowen Street, Cumberland, MD 21502. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except clases A and B explosives)", and from foodstuffs, in cans and in glass containers, to "food and related products"; (2) replace city with county-wide authority: in part (3), Cumberland, MD, with Allegany County, MD, and in part (4), Swedesboro, and Bridgeton, NJ, and Cumberland, MD, with Gloucester and Cumberland Counties, NJ, and Allegany County, MD, and (3) change its one-way authority to radial authority: in part (3), between New York, NY, and Philadelphia, PA, and in part (4), between the above named counties in NJ, and Cumberland, MD.

MC 11592 (Sub-30)X, filed April 6, 1981. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: F. E. Myers (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 23F certificate to (1) replace city with county-wide authority: Oakland, IA with Pottawattamie County, IA and (2) replace facility limitation at Omaha, NE with Douglas County, NE.

MC 29886 (Sub-385)X, filed March 25, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Applicant seeks to remove restrictions in a portion of its lead, and Sub-Nos. 311G, and 374 certificates and E4, E6, E17, E25, E26, E43, E45, E47, E48, E53, E64, E67, E71, E87, E96, E100 and E103 letter notices to (1) broaden the commodity description to (a) "machinery" from plastic and metal working machinery and equipment, power cranes, construction and earth moving machinery and equipment, and "transportation equipment" from motor vehicles and motor vehicle chassis, and bodies, cabs, and parts of and accessories for such vehicles on sheet 69

of the lead; (b) "commodities which because of size or weight require special equipment and machinery" from various commodities such as steam shovels, cranes, crawler-type shovels, tractors, straddle forks, building, construction and moving machinery, self propelled and either because size or weight require special equipment, or each weighing 15,000 pounds or more in Sub-Nos. 311G and 374F, E43, E45, E48; from lift trucks which, because of size or weight require lowbed equipment in E4, from frontend loaders, assembled, and industrial lift trucks assembled, because of size or weight require special equipment in E6; and from road construction and earth moving machines and equipment (except trailers designed to be drawn by a truck tractor) because of size or weight require special equipment in E47, E87, E100; (c) "machinery" from various commodities such as plastic and metal working machinery and equipment, power cranes, construction and earth moving machinery and equipment on sheets 68 and 69 in the lead E25; from contractors' machinery and equipment, building, construction and moving machinery, and crawler tractors, etc., in Sub-Nos. 311G and E96; from self-propelled articles, when transported on trailers in part (2) Sub-No. 374F; from wheeled tractors (other than truck tractors) with or without attachments and crawler tractors, set up, with loading and grading attachments in E17 and E53; from road construction and earth moving machines and equipment (except trailers designed to be drawn by a truck trailer) in E64; and from steam shovels, cranes in E71, (3) remove restriction to transportation to AK and HI, in the lead and Sub-No. E4, (4) remove facilities limitations in the lead on sheets 68 and 69 and replace Wayne County, IN for Richmond, IN (5) change one-way to radial authority between points throughout the US wherever one-way authority exists in all its authorities.

MC 32967 (Sub-4)X, filed March 20, 1981. Applicant: ATLANTIC COAST EXPRESS, INC., 2170 North Fleet St., Elizabeth, NJ 07201. Representative: Frank D. Kalakowski (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 3F certificate, which authorizes service between points in 13 States and DC, to remove all restrictions in its general commodities authority "except classes A and B explosives," and also remove restriction limiting service to that "in containers or trailers having a prior or subsequent movement by water."

MC 35320 (Sub-643)X, filed February 27, 1981, previously noticed in the **Federal Register** of March 18, 1981, republished as corrected this issue. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as above). Applicant seeks to remove restrictions in its Sub-No. 280F certificate to (1) remove all restrictions in the general commodity description except "classes A and B explosives" and (2) by removing named facilities limitations to authorize service at the off-route points of Columbus and Franklin, IN, in place of the named facilities. The purpose of this republication is to correct the above named State.

MC 44128 (Sub-43)X, filed March 19, 1981. Applicant: EPES TRANSPORT SYSTEM, INC., P.O. Box 24038, Richmond, VA 23224. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 21, 23, 28, 29, 33, 38, and 40F certificates to (1) broaden the commodity description from unmanufactured tobacco, manufactured tobacco and cigarettes, tobacco leaf, scrap or stems (in sheets, baskets, hogsheads, tierces, boxes, or bales) and tobacco in its lead certificate, from leaf tobacco, in hogshead, sheets, and baskets in its Sub-No. 21, from unmanufactured tobacco when moving on the same vehicle at the same time with materials, supplies, and equipment (except commodities in bulk, in tank vehicles; and commodities requiring special equipment) in Sub-Nos. 23, 29, and 33, from reconstituted, reconstructed, or homogenized tobacco in Sub-Nos. 28, and 38, and from tobacco and materials and supplies used in the production, sale, and distribution of tobacco in Sub-No. 40F to "tobacco products", (2) broaden the territorial descriptions by replacing named points with county-wide authority: (a) in its lead certificate, Forsyth and Davidson Counties, NC for Winston-Salem, NC, Delaware County, PA for Chester, PA, Perry, Cumberland, and Dauphin Counties, PA for Harrisburg, PA, Camden, Gloucester, and Burlington, Counties, NJ for Camden, NJ, (b) in Sub-No 28, Wyoming County, NY for Ancram, NY, and Middlesex County, NJ for Spotswood, NJ, (c) in Sub-No. 29, Brown County, OH for Ripley, OH, Lawrence County, OH, Cabell, Wayne Counties, WV for Huntington, WV, Floyd and Clark Counties, IN for New Albany, IN, and Jefferson County, IN for Madison, IN, (d) in Sub-No. 38, Middlesex County, NJ for Spotswood, NJ, and Floyd, Clark Counties, IN, Jefferson and Oldham Counties, KY for Louisville, KY, and (e) in Sub-No. 40F, Wyoming County, NY for Acram, NY, Middlesex County, NJ for Spotswood, NJ, Floyd, Clark Counties, IN, Jefferson and Oldham Counties, KY for Louisville, KY, Fayette County, KY for Lexington, KY, Wilson County, NC for Wilson, NC, Forsyth and Davidson Counties, NC for Winston-Salem, NC, and Bibb and Jones Counties, GA for Macon, GA; and (3) authorize radial service in place of existing one-way authority: between Wyoming County, NY and Middlesex County, NJ, and, Richmond, VA, in Sub-No. 28; between Middlesex County, NJ, and Petersburg, VA, and, the counties listed above for Louisville, KY, in Sub-No. 38; and in the lead, between various combinations of points in MD, VA, NY, NJ, NC, PA, and SC.

MC 44801 (Sub-20)X, filed April 1, 1981. Applicant: DICK HARRIS & SONS, TRUCKING CO., INC., 4000 Harris Lane, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 9F, 12F, 12M1F, 13F, 16F and 19F certificates to (1) broaden the commodity descriptions from (a) mono-calcium phosphate and titanium dioxide to "chemicals and related products"; (b) flowers, apples and peaches to "farm products"; (c) canned goods to "food and related products"; (d) cast iron pipe, cast iron fittings and other iron castings and wire to "metal products"; (e) telephone and telegraph poles to "lumber and wood products"; and (f) telephone and telegraph pole line materials and accessories to "machinery" in its lead; from corrugated containers and sheets and materials, equipment and supplies used in the manufacture and distribution of corrugated containers and sheets to "containers and pulp, paper and related products" in its Sub-No. 9F; from printing,paper to "pulp, paper and related products" in its Sub-No. 12F; and from malt beverages and wine to "food and related products" in Sub-No. 19F; (2) remove the exception of commodities in bulk in its lead and Sub-Nos. 9F, 12F, 16F, and 19F; (3) remove facilities limitations at Bluefield, VA in its lead and Richmond, VA in its Sub-No. 9F; (4) remove railheads and rail sidings limitations in those parts of VA and WV within 140 miles of Lynchburg, VA in its lead; (5) remove the exception of AK and HI from nationwide authority in Sub-Nos. 13F and 16F; (6) replace Piney River, Lovingston, Arrington, and Shipman, VA, with Nelson County, VA,

Savannah, GA, with Chatham County, GA, Augusta, GA, with Richmond County, GA, Mobile, Al, with Mobile County, AL, Jacksonville, FL, with Duval County, FL, Spartanburg, SC, with Spartanburg County, SC, Greenville, SC and Greenville County, SC, Charleston, SC with Charleston County, SC, Crozet, VA, with Albemarle County, VA, Asheville, NC and Buncombe County, NC, Charlotte, NC, with Mecklenburg County, NC, Durham, NC, with Durham County, NC, Fayetteville, NC, with Cumberland County, NC, Greensboro, NC, with Guilford County, NC, Goldsboro, NC, with Wayne County, NC, Laurinburg, NC, with Scotland County, NC, Raleigh, NC, with Wake County, NC, Rocky Mount, NC, with Edgecomb County, NC, Sanford, NC, with Lee County, NC, Weldon, NC, with Halifax County, NC, Anderson, SC, with Anderson County, SC, Columbia, SC, with Richland County, SC, Florence, SC, with Florence County, SC, Greenwood, SC, with Greenwood County, SC, Orangeburg, SC, with Orangeburg County, SC, Union with Union County, SC, West Point, VA, with King William County, VA, Mathews, VA, with Mathews County, VA, Gloucester with Gloucester County, VA, and Bluefield, VA, with Tazewell County, VA, in its lead, and Hickory, NC, with Catawba County, NC, and Des Moines, IA with Polk County, IA, in Sub-No. 12F; (7) replace one-way with radial authority between (a) Nelson County, VA, and Chatham and Richmond Counties and Atlanta, GA, Mobile County, AL, Duval County, FL, Spartanburg, Greenville, and Charleston Counties, SC and a portion of NC; (b) Nelson County, VA and Atlanta, GA; (c) Nelson County, VA and Newark, NJ; (d) Nelson and Albemarle Counties, and Lynchburg and Waynesboro, VA and Buncombe, Mecklenburg, Durham, Cumberland, Guilford, Wayne, Scotland, Wake, Edgecombe, Lee, and Halifax Counties, NC, Anderson, Richland, Florence, Greenville, Greenwood, Orangeburg, Spartanburg and Union Counties, SC, New York, NY, Washington, DC, and Baltimore, MD; (e) Roanoke, VA and Mecklenburg and Halifax Counties, NC, and Richland, Florence, Greenville, and Spartanburg Counties, SC; (f) Nelson and Albemarle Counties, VA and New York, NY, Washington, DC, and Baltimore, MD; (g) Lynchburg, VA, and points in VA within 100 miles of Lynchburg, VA; (h) between Roanoke, Richmond and Charlottesville, VA, and Lynchburg, VA; (i) between Lynchburg and Radford, VA, and Richmond, Danville, Charlottesville and Staunton, VA; (j) between Gloucester and Mathews Counties, and Richmond, VA; (k) between points in VA and WV within 140 miles of Lynchburg, VA; (l) between Lynchburg and Richmond, VA and Tazewell County, VA in its lead; and (m) between Richmond, VA and NC, MD, and DC, in Sub-No. 9F.

MC 59570 (Sub-48)X, filed March 2, 1981, previously noticed in the **Federal Register** of March 23, 1981, republished as corrected this issue. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Toms River, NJ 08753. Representative: Harry C. Maxwell, P.O. Box 887, Cherry Hill, NJ 08003. Applicant seeks to remove restrictions in its lead and Sub-Nos. 13 and 17 certificates to (1) broaden the commodity description from (a) general commodities (with exceptions) to "general commodities" (except household goods as defined by the Commission and classes A and B explosives) in the regular and irregular portion of the lead, (b) from commodities in bulk, except liquids, and except fly ash in bulk, in hopper vehicles to "commodities in bulk", in Sub-No. 13, (2) remove the in bulk and in bag restrictions in Sub-No. 13, (3) remove restrictions to "shipments having an immediately prior or subsequent movement by rail or water from or to points beyond New Jersey", in Sub-No. 13, (4) remove restriction to traffic having an immediately prior rail movement, in Sub-No. 17, (5) authorize radial authority in place of one-way authority, between named points and states in the east in Sub-Nos. 13 and 17, (6) remove restriction "against the transportation of building and insulating materials and gypsum and gypsum products between Newark, NJ and points within 15 miles thereof, on the one hand, and, on the other, points in New Jersey", in Sub-No. 13, (7) to reflect the state redesignation of former NJ Hwy 528 to "NJ Hwy 18" and former NJ Hwy 40 to "NJ Hwy 70" in the regular routing of its lead, and replace the tacking restriction in Sub-No. 17 with "the carrier's ability to tack will be governed by 49 CFR 1042". The purpose of this republication is to reflect the correct MC-number to be MC-59570 (Sub-No. 48)X in lieu of MC-59570 (Sub-No. 47)X.

MC 60887 (Sub-6)X, filed April 6, 1981. Applicant: HARRY H. LONG MOVING-STORAGE & EXPRESS, INC., 1631 S. Lynndale Ave., Appleton, WI 54911. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. Applicant seeks to remove restrictions from its Sub-No. 5 certificate which authorizes the transportation of general commodities, with exceptions, between points in Wisconsin to (1) broaden the commodity description to "general commodities" (except classes A and B explosives); and (2) remove the restriction requiring transportation in containers or trailers having an immediately prior or subsequent movement by rail or water.

MC 99455 (Sub-11)X, filed April 3, 1981. Applicant: M. H. HILLERY, INC., 90 Western Avenue, Allston, MA 02134. Representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. 5F, 7F, 8 and 9F certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)" in Sub-Nos. 5, 7, 8 and 9; (2) delete the facility restriction in Sub-No. 5 and (3) expand city wide to county wide authority: Boston to Suffolk, Norfolk, Plymouth, Middlesex, and Essex Counties, MA and Chicago to Cook, DuPage, and Lake Counties, IL and Lake and Porter Counties, in wherever they appear in the certificates.

MC 105045 (Sub-159)X, filed March 27, 1981. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 1, 5, 10, 19, 23, 24, 27, 28, 29, 31, 34, 35, 37, 38, 39, 43, 46, 47, 51, 52, 53, 55, 57, 59, 60, 61, 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81F, 82F, 85F, 87F, 89F, 91F, 92F, and 93F to (1) change the commodity descriptions as follows: (a) to "machinery and supplies" from oil field machinery, materials, and supplies and equipment, in Sub-No. 1; (b) to "machinery" from material handling equipment, etc. (Sub-No. 19), from air conditioning, cooling, heating, and humidifying equipment (Sub-No. 23), from heat exchangers and equalizers, etc. (Sub-No. 27), from lift trucks, hoists, etc., (Sub-No. 51), from sewage treatment equipment, etc. (Sub-No. 52), from self-propelled hydraulic cranes (Sub-No. 53), from conveyors, elevators, feeders, etc. (Sub-No. 55), from cranes and parts, etc. (Sub-No. 60), from self-propelled articles each weighing 15,000 lbs. or more, etc. (Sub-No. 61), from mining equipment, etc. (Sub-No. 66), from chemical processing equipment, etc. (Sub-No. 74), from plate-bending machinery (Sub-No. 76), from metal forming machinery, etc. (Sub-No. 78), from self-propelled front-end loaders, etc. (Sub-No. 79), from refrigeration condensers and cooling equipment (Sub-No. 82); (c) to "metal products" from iron

or steel silos and component parts, etc. (Sub-No. 5), from aluminum and aluminum products, etc. (Sub-No. 24), from aluminum and aluminum products, aluminum articles, or specific aluminum articles (Sub-Nos. 34, 35, 39, 43, 47, 57 and 93F), from iron and steel articles (Sub-Nos. 68 and 91F), from plactic pipe, etc. (Sub-No. 75), from knocked down iron and steel tanks, etc. (Sub-No. 87F); (d) to "machinery and metal products" from enameled steel silos, loading and unloading devices, waste storage tanks, livestock feed bunkers, livestock scales, livestock feeding systems, etc. (Sub-Nos. 28 and 92F), from aluminum and aluminum articles and carbon electrodes (Sub-No. 31), from iron and steel articles and contractors' machinery equipment and supplies (Sub-No. 38), from heat exchangers and equalizers, etc. (Sub-No. 59), from materials, equipment, and supplies used in the manufacture of cranes, etc. (Sub-No. 60), from air pollution, heating and cooling equipment, etc. (Sub-No. 64), from cooling towers, parts and accessories (Sub-No. 65), from articles which because of size or weight require the use of special equipment and articles which do not require special equipment when moving in the same vehicle and of the same time in mixed loads (Sub-No. 67), from the so-called "Mercer" commodity description (Sub-No. 72), from mining machinery, equipment and supplies (Sub-No. 77), from iron, steel and other named metal products and construction materials, supplies, and equipment (Sub-No. 81); (e) to "rubber and plastic products" from plastic pipe and fittings (Sub-No. 10); (f) to "clay, concrete, glass and stone products, lumber or wood products" from prestressed and precast beams, prestressed and precast wall panels, and hollow core slabs (Sub-No. 29); (g) to "clay, concrete, glass or stone products" from flat glass and glass glazing units (Sub-No. 37); (h) to "machinery and electrical equipment" from circuit breakers requiring special equipment because of size or weight and electrical equipment and parts, etc. (Sub-No. 46); (i) to "lumber and wood products and metal products" from prefabricated buildings, wood products and parts and accessories, etc. (Sub-No. 71); (j) to "non-metallic minerals and clay, concrete, glass or stone products" from monumental stone (Sub-No. 73), and from stone (Sub-No. 85); (k) to "metal products and clay, concrete, glass or stone products" from plastic pipe, plastic pipe fittings and accessories and in the installation thereof and materials, supplies and accessories and in the manufacture of the named commodities (Sub-No. 75); and (l) to "machinery and transportation equipment" from material handling equipment, winches, compaction and road marking equipment, rollers, mobile cranes and highway freight trailers, etc. (Sub-No. 89); (2) substitute counties or cities for facilities or named points: Kankakee County, for Kankakee, IL (Sub-No. 5); Vanderburgh County for Evansville, IN (Sub-Nos. 10 and 29); Vermilion, Peoria, and Henry Counties, IL for plant sites at Danville, Kewanee and Peoria, IL (Sub-No. 19); Morgan County, AL, for Decatur, AL (Sub-No. 23); Hancock County, KY, for facilities at Hawesville, KY (Sub-No. 24); Warren County, KY, for facilities at Bowling Green, KY (Sub-Nos. 27 and 60); Kankakee, and Woodford Counties, IL, and Walworth County, WI, for Kankakee and Eureka, IL, and Elkhorn, WI (Sub-No. 28); Champaign and Marion Counties, IL, for Junction City and Champaign, IL (Sub-No. 29); Calcasieu Parish, LA, for Lake Charles, LA (Sub-Nos. 31, 34, and 35); Carroll County, KY, for facilities at Carrollton, KY, and Humphreys and Benton Counties, TN, for New Johnsonville, TN (Sub-Nos. 34 and 35); Jackson County, IL, for facilities at Murphysboro, IL (Sub-No. 35); Sampson and Scotland Counties, NC, for Clinton and Laurinburg, NC (Sub-No. 37); Kankakee County, IL, for Indian Oaks, IL (Sub-No. 38); Lewanee County, MI, for Adrian, MI (Sub-No. 39); Grundy County, IL, for named facilities (Sub-No. 43); Rankin County, MS, for named facilities (Sub-No. 46); St. Clair County, AL, for named facilities at Steele, AL (Sub-No. 47); Ozaukee County, WI, for facilities at Port Washington, WI (Sub-No. 51); Cambria County, PA, for facilities at Frugality, PA (Sub-No. 52); Horry County, SC, for named facilities (Sub-No. 53); Fayette County, IA, for Oelwein, IA (Sub-No. 55); McIntosh County, OK, for Checotoh, OK (Sub-No. 57); Monroe, Randolph, Perry and St. Clair Counties, IL, for named facilities (Sub-No. 59); Posey County, IN, for named facilities (Sub-No. 61); Clay County, FL, for facilities at Orange Park, FL (Sub-No. 66); Berks County, PA, for facilities at Wyomissing, PA (Sub-No. 67); Cabell County, WV, for Huntington, WV (Sub-No. 68); Kanawha and Putnam Counties, WV, and Mobile County, AL, for facilities at Nitro, WV, and Mobile, AL (Sub-No. 72); Wayne County, IN, for named facilities at Cambridge City, IN (Sub-No. 76); Auglaize County, OH, for Minster, OH (Sub-No. 78); Major County, OK, for Fairview, OK (Sub-No. 79); Cook and Will Counties, IL, Hamilton, Elkhart, Allen and Howard Counties, IN, Appanoose County, IA, Kent and Ingham Counties, MI, Hinds County, MS, and Lucas County, OH, for facilities at Blue Island and Juliet, IL, Cicero, Elkhart, Ft. Wayne and Kokomo, IN, Centerville, IA, Grand Rapids and Lansing, MI, Jackson, MS, and Toledo, OH (Sub-No. 81F); DeKalb County, IL, for facilities at DeKalb, IL (Sub-Nos. 87F and 92F); Vermilion and Henry Counties, IL, Montgomery County, IN, and Madison County, KY, for facilities at Danville and Kewanee, IL, Crawfordsville, IN, and Berea, KY (Sub-No. 89F); and Jackson County, WV, for facilities at Ravenswood, WV (Sub-No. 93F); (3) remove territorial exclusions of AK and HI, remove restrictions limiting service to traffic originating at and destined to facilities of named shippers, against transportation in bulk, and facilities restrictions, wherever they appear in each of the certificates; (4) delete the exception of plastic pipe and fittings used in or in connection with the discovery, development, etc. of natural gas, etc. from the commodity description in Sub-No. 10; and (5) authorize radial service between points located throughout the U.S. or specified States therein.

MC 108962 (Sub-7)X, filed April 6, 1981. Applicant: MIDWEST SPECIALIZED HAULERS, INC., P.O. Box 753, Dubuque, IA 52001. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Monies, IA 50309. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (1) broaden the commodity description from such commodities as are dealt in by agricultural equipment dealers and industrial equipment dealers (except commodities in bulk) to "agricultural and industrial equipment and materials, supplies and equipment used in their manufacture, distribution, or sale"; (2) remove the in bulk restriction; (3) remove the facilities limitations at Dubuque and Scott Counties, IA; (4) remove the "originating at and destined to named points" restriction, and (5) change one-way to radial authority between the above IA counties, and points in IL.

MC 111231 (Sub-360)X, filed March 30, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 197, 211, 243F, and 289F certificates to (A) broaden certain of its commodity descriptions to "rubber and plastic products" from plastic products and plastic materials (except plastic bottles) in Sub-Nos. 243 and 289, and also remove restrictions against the

transportation of commodities in bulk in each certificate; (B) broaden the territorial descriptions by replacing the named plantsites and cities with county-wide authority: Sub-No. 197, Shawnee County, KS (Pauline, KS); Sub-No. 211, Wyandotte County, KS (plantsite at Kansas City, KS); Sub-No. 243, Franklin and Licking Counties, OH (facilities in Franklin and Licking Counties, OH); and Sub-No. 289, Wyandotte and Shawnee Counties, KS (Kansas City, Topeka, and Pauline, KS), and (C) change one-way service to radial service in Sub-No. between Wyandotte County, KS, and, points in 7 States.

MC 111302 (Sub-179)X, filed April 1, 1981. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Petersen (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 103 certificate to (1) broaden its commodity description from flavoring compounds in bulk to "commodities in bulk;" (2) remove the restriction limiting service to transportation in tank vehicles; (3) remove the "facilities" restrictions; (4) replace authority to serve Crossville, TN with authority to serve Cumberland County, TN; (5) delete the AK and HI exception; and (6) to replace existing one-way authority with radial authority between Cumberland County, TN and points in the U.S.

MC 115931 (Sub-192)X, filed March 24, 1981. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59806. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 26, 29, 38, 45, 46, 50F, 52F, 53, 57F, 58F, 59F, 60F, 61F, 63F, 65F, 66F, 71F, 72F, 73F, 74F, 75F, 76F, 77F, 79F, 85F, 88F, 92F, 94, 96F, 98F, 100F, 103F, 104F, 105F, 109F, 110F, 111F, 113F, 114F, 115F, 116F, 117F, 118F, 119F, 120F, 186F, and 187F certificates, and certificate No. MC-95084 (Sub-No. 1) portions thereof acquired in MC-F-13131 to (A) broaden the commodity descriptions: to "lumber and wood products" from lumber, lumber mill products, and wood products in the lead, and Sub-Nos: 50 and 120; to "metal products" from prefabricated buildings, complete, knocked-down, or in sections, including all component parts, iron and steel articles, steel pipe, bulk storage tanks and smokestacks, and industrial carts in the lead, and Sub-Nos. 26, 38, 61, 79, 92, 103, 105, 110, 111 and 117; to "rubber and plastic products" from plastic, plastic articles, and plastic pipe, valves and hydrants in Sub-Nos. 45, 52, 53, 63, 66, 85 and 100; to "machinery" from agricultural and farm machinery, sawmill machinery, rotary mowers, sand and gravel treatment systems, material handling equipment, dust collectors, spreaders and industrial vacuums, tractors (except truck tractors), pumps and diesel power units, and used dairy equipment in Sub-Nos. 29, 46, 57, 58, 71, 75, 76, 77, 89, 94, 109, 115(2), and 119; to "clay, concrete, glass or stone products" from gypsum wallboard joint treatment systems, clay and coal, concrete products and concrete forming systems in Sub-Nos. 59, 65, and 88; to "transportation equipment" from semi-trailers, and dump trailers and dump trailer bodies (except those drawn by passenger automobiles) in Sub-Nos. 60 and 114; to "building and construction materials" from building materials, pipe and insulation board, and solar furnace collector and storage systems in Sub-Nos. 72 and 73; to "rubber and plastic products and clay, concrete, glass or stone products" from plastic products and bituminous fibre pipe and vaults in Sub-No. 74; to "chemicals and related products" from weed killing and ice melting compounds and dry fertilizer in Sub-No. 104; to "machinery, metal products, and rubber and plastic products" from pipe and irrigation systems in Sub-Nos. 116 and 118; and also remove the "except in bulk" and "in tank vehicles" restrictions in Sub-Nos. 29, 45, 50, 53, 59, 73, 85, 98, 105, 113, 115 and 116; (B) remove territorial restrictions limiting service to transportation of traffic originating at and destined to the named plantsites in Sub-Nos. 29, 45, 46, 50, 58, 71, 76, 77, 89, 96, 98, 100, 109, and 115, and remove exceptions excluding service in AK, HI and WV in Sub-No. 53, AK, HI and MN in Sub-No. 58, and AK and HI in Sub-Nos. 29, 45, 60, 65, 66, 73, 77, 79, 85, 88, 89, 92, 94, 100, 105, 109, 110, 111, 113, 115, 116, 117, 118, 119, and 186; and (C) broaden the territorial descriptions to authorize county-wide service in place of the named points and plantsites, and change from one-way to radial service: lead certificate, between points in Big Horn and Rosebud Counties, MT, and points in two States; between points in Granite and Missoula Counties, MT, and points in three States; and between points in Flathead and Ravali Counties, MT, and points in five States; and between Jones County, IA (Monteicello, IA) and points within 10 miles of Monticello, and Knox County, IL (Galesburg, IL) and points within 10 miles of Galesburg and points in two States; Sub-No. 26, between points in Wood County, WV (facilities at Parkersburg, WV), and points in 11 States; Sub-No. 29, between points in Burleigh County, ND (Bismarck, ND), and points in the U.S.; Sub-No. 38, between points in Wood County, WV (Parkersburg, WV), and points in four States; Sub-No. 45, between points in Poweshiek County, IA (Grinnell, IA), and those in the U.S. in and west of MN, WI, IL, MO, OK, and TX; Sub-No. 46, between points in McHenry County, IL (Crystal Lake, IL), and points in 20 States and part of PA; Sub-No. 50, between points in Kootenai, Benewah, Latah, Clearwater, Nez Perce, and Idaho Counties, ID (facilities near Post Falls, Coeur D' Alene, Saint Maries, Santa, Potlatch, Lewiston, Spaulding, Kamiah, and Jaype, ID), and points in five States; Sub-No. 52, between points in Yakima County, WA (Sunnyside, WA) and Lane County, OR (Springfield, OR), and points in two States; Sub-No. 53, between Upshur County, WV (facilities near Buckhannon, WV), and points in the U.S.; Sub-No. 57, between points in Wayne County, IN (Richmond, IN), and points in four States; Sub-No. 58, between points in Cottonwood County, MN (facilities near Mountain Lake, MN), and points in the U.S.; Sub-No. 59, between points in Lake County, SD (Madison, SD), and points in three States; Sub-No. 60, between points in Tuscarawas County, OH (facilities near Dover, OH) and Wirt County, WV (Elizabeth, WV), and those in the U.S. in and west of five States; Sub-No. 61, between points in Knox County, IL (facilities near Galesburg, IL), and points in three States; Sub-No. 63, between points in Rock County, WI (Janesville, WI), and points in nine States; Sub-No. 65, (a) between points in Crook County, WY (facilities in Crook County, WY) and Phillips County, MT, and points in the U.S., and (b) between points in Butte County, SD (facilities near Belle Fourche, SD), Weston and Big Horn Counties, WY (Upton and Lovell, WY) and Bowman County, ND (Gascoyne, ND), and points in six States; Sub-No. 66, between points in Rock County, WI (Footville, WI), and those in the U.S. in and west of MN, IA, IL, MO, AR, and TX; Sub-No. 71, between points in Buffalo County, WI (facilities at Mondovi, WI), and points in 12 States; Sub-No. 72, between points in Muscatine County, IA (facilities near Wilton, IA) and Lake and Will Counties, IL (Waukegan and Rockdale, IL), and points in 10 States; Sub-No. 73, between points in Stark County, ND (facilities near Richardton, ND), and points in the U.S.; Sub-No. 74, between points in Washington County, WI (facilities near West Bend, WI), and points in six States; Sub-No. 75, between points in Ogle County, IL (Oregon, IL), and points

in seven States; Sub-No. 76, between points in Outagamie County, WI (facilities near Appleton, WI), and points in 17 States; Sub-No. 77, between points in Faribault County, MN (Winnebago, MN), and points in the U.S.; Sub-No. 79, between points in McHenry County, IL (facilities near Harvard, IL), and those in the U.S. in and west of five States; Sub-No. 85, between points in Kern County, CA (Bakersfield, CA) and Cuyahoga County, OH (Valley View, OH), and those in the U.S. in and west of six States; Sub-No. 88, (a) between Denver, CO (facilities near Denver, CO) and points in Winnebago County, WI (Oshkosh, WI), and those in the U.S. in and west of seven States, and (b) between points in Allen County, OH (Bluffton, OH), and points in three States; Sub-No. 89, between points in Waupaca County, WI (facilities near Clintonville, WI), and points in the U.S.; Sub-No. 92, between points in Dane County, WI (Madison, WI), and points in the U.S.; Sub-No. 94, between points in Racine County, WI (facilities near Racine, WI), and points in the U.S.; Sub-No. 96, between points in Racine County, WI (facilities at Racine, WI), and points in four States; Sub-No. 98, between points in Milwaukee, WI (facilities near Milwaukee, WI), and points in 14 States; Sub-No. 100, between points in Jefferson County, IA (facilities near Fairfield, IA), and those in the U.S. in and west of six States; Sub-No. 103, between points in Whiteside County, IL (facilities near Sterling and Rock Falls, IL), and points in eight States; Sub-No. 104, between points in Kenosha County, WI (Kenosha, WI), and points in four States; Sub-No. 105, (a) between Carson City, NV (facilities at Carson City, NV), and points in 11 States, and (b) between points in the U.S., and Carson City, NV (facilities at Carson City, NV); Sub-No. 109, between Milwaukee, WI (facilities near Milwaukee, WI), and those in the U.S. in and west of five States; Sub-No. 110, between points in Walworth County, WI (East Troy, WI) and Orange County, CA (Fullerton, CA), and those in the U.S. in and west of five States (except OK and TX); Sub-No. 111, between points in Dakota County, MN (facilities near Eagan, MN), and those in the U.S. in and west of five States; Sub-No. 113, between points in the U.S. (with facilities restriction); Sub-No. 114, between Milwaukee, WI (facilities near Milwaukee, WI), and points in 12 States; Sub-No. 115, (a) between points in Kanabec County, MN (facilities near Mora, MN), and points in the U.S., and (b) between points in the U.S.; Sub-No. 116, between points in Finney County, KS (facilities near Garden City, KS) and York County, NE (York, NE), and those in the U.S. in and west of seven States; Sub-No. 117, between points in Racine County, WI (facilities near Racine, WI), and points in the U.S.; Sub-No. 118, between points in Hall County, NE (facilities near Grand Island, NE), and points in the U.S.; Sub-No. 119, between points in Dawson County, MT (facilities near Glendive, MT), and points in the U.S.; Sub-No. 120, between points in Albany County, WY (facilities near Laramie, WY), and points in nine States; Sub-No. 186, between points in La Crosse County, WI (facilities near La Crosse, WI), and points in the U.S.; Sub-No. 186, between points in Benewah, Clearwater, and Kootenai Counties, ID (St. Maries, Elk River, and Spirit Lake, ID), and Fergus, Meagher, Missoula, Musselshell, and Teton Counties, MT (Clearwater, Ringling, Roundup, Melstone, Grassrange, Winifred, and Agawam, MT), and Meade Dewey, Jones, Lyman, Brule, Aurora, Davison, Charles Mix, Bon Homme, Hutchinson, Sanborn, Jerauld, Spink, Brown, Campbell, Edmunds, Marshall, Roberts, Moody, Minnehaha, Lake, Hanson, McCook, Turner, Lincoln, Clay, Corson, McPherson, and Yankton Counties, SD (Faith, Isabel, Timber Lake, Trail City, Murdo, Mackenzie, Presho, Chamberlain, Kimball, White Lake, Plankinton, Mt. Vernon, Platte, Geddes, Lake Andes, Wagner, Avon, Tyndall, Napa, Scotland, Tripp, Parkston, Woonsocket, Wessington Springs, Alpena, Mellette, Frederick, Pollock, Herreid, Madra, Urek, Hosmer, Britton, Sisseton, Wilmot, Colman, Flandreau, Sioux Falls Junction, Dell Rapids, Renner, Madison, Alexandria, Emery, Bridgewater, Marion Junction, Freeman, Menno, Canton, Hudson, and Vermillion, SD), and Adams, Grant, Clallam, Jefferson, Whitman, Lewis, and Pend Oreille Counties, WA (Othello, Royal City, Beverly, Park Junction, National, Port Angeles, Discovery Junction, Port Townsend, Hanford, Malden, Metaline Falls, Marcellus, Tiflis, and Morton, WA), and points in the U.S.

Applicant also seeks to remove restrictions in No. MC-95084 (Sub-No. 1), acquired in MC-F-13131, to (1) broaden the commodity descriptions to "metal products" from fencing, fence posts, nuts, bolts, fittings, iron and steel articles, and wire, and (2) broaden the territorial descriptions by substituting county-wide authority for the named points and plantsites, and changing one-way service to radial service, as follows: between points in Cook County, IL (Chicago Heights, IL), and points in IA; between points in Will and Bureau Counties, IL (Joliet and Princeton, IL), and points in Webster County, IA (Fort Dodge, IA); between points in Webster County, IA (Fort Dodge, IA), and points in 22 States and the lower peninsula of MI (except Detroit, MI); between points in Peoria County, IL (Bartonville, IL), and points in IA, KS, and SD; between points in Putnam County, IL (plantsite in Putnam County, IL), and points in IA; between points in Peoria County, IL (Bartonville, IL), and points in CO, ND, WY, and parts of MN and NE; between points in Cook County, IL (Chicago Heights, IL), and points in CO, NE, ND, SD, WY, and KS (except three KS counties), and part of MN; between points in Will County, IL (Joliet, IL), and points in CO, NE, ND, SD, WY, and parts of KS and MN; and between points in Bureau County, IL (Princeton, IL), and points in CO, ND, SD, WY, and parts of KS and NE.

MC 116519 (Sub-101)X, filed April 2, 1981. Applicant: FREDERICK TRANSPORT, LTD., R.R. #6, Chatham, Ontario, Canada. Representative: Jeremy Kahn, Suite 733, Investment Building, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 33 certificate to (1) broaden the commodity description from containers, compactors, truck bodies, and trailers, equipped specifically for the collection and compaction of waste materials, to "metal products, machinery and transportation equipment" (2) delete the restriction limiting service to the transportation of traffic in foreign commerce; (3) eliminate the restriction limiting transportation to shipments originating at named facilities in Canada; (4) authorize radial authority in lieu of one-way authority between the ports of entry on the United States-Canada Boundary line located in MI and NY, and points in that part of the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 118937 (Sub-1)X, filed March 30, 1981. Applicant: FRANK E. MARES, d.b.a. MARES SERVICE, 4611 West 33rd St., Cicero, IL 60650. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684. Applicant seeks to remove restrictions in its lead certificate to (A) broaden the commodity description to "transportation equipment" from wrecked and disabled motor vehicles including accessories and parts, and replacement motor vehicles, and remove the limitation requiring service "by use of wrecker equipment only," and (B) remove the restriction requiring the radial transportation of wrecked vehicles

between points in the Chicago, IL commercial zone, and points in three IN counties be preceded by movement of a replacement vehicle in its authority between points in IL, IN, WI, IA, MI, and MO.

MC 119176 (Sub-34)X, filed March 27, 1981. Applicant: THE SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, OK 74107. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Applicant seeks to remove restrictions in its Sub-Nos. 29F and 31F certificates to broaden the commodity description to (1) "metal products," from (a) grain and forage silos and parts, equipment and supplies for the foregoing commodities in Sub-No. 29F, and (b) iron and steel articles and pipe and materials, equipment and supplies used in the production, manufacture or distribution of iron and steel articles or pipe, in Sub-No. 31F; (2) eliminate the "except in bulk" restriction, in Sub-No. 29F; (3) eliminate the restriction prohibiting service to (a) AK and HI, in Sub-No. 29F, and (b) HI, in Sub-No. 31F; (4) eliminate the facilities restriction, in both certificates; (5) replace city-wide authority with county-wide authority: Tulsa County, OK, for Sand Springs, OK, in Sub-No. 29F; and (6) authorize radial authority to replace existing one-way service between points in the U.S., and (a) Tulsa County, OK, in Sub-No. 29F, and (b) Conroe, TX, in Sub-No. 31F.

MC 121568 (Sub-85)X, filed April 3, 1981. Applicant: HUMBOLDT EXPRESS, INC., P.O. Box 100906, Nashville, TN 37210. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-16F, 24F, 27F, 29F, 32F, 42F, 45F, 46F and 64F certificates to (1) broaden the commodity description to "foodstuffs and related products" from sugar in Sub-16F, foodstuffs in Sub-29F, confectionery in Sub-32F; and malt beverages and materials, equipment and supplies used in their manufacture and distribution in Sub-46F; "printed matter" from books, magazines and printed matter in Sub-24F; "pulp, paper and related products" from bagging materials and supplies in Sub-27F, paper and paper products in Sub-42F and 45F; (2) expand city or facilities to county-wide authority: facilities near Sugar Land, to Fort Bend Co, TX, in Sub-16F; facilities near Humboldt to Gibson Co, TN, in Sub-29F; facilities near Covington to Tipton Co, TN, in Sub-32F; and facilities at Bastrop, Mansfield, and Springhill to Morehouse, De Sota and Webster Parishes, LA, in Sub-42F; (3) authorize radial service in place of one-way operations between Fort Bend Co, TX, and, AR, and TN, in Sub-16F; between Dallas, TX, Detroit, MI, St. Louis, MO, and, points in Weakley Co, TN in Sub-46F; (4) remove "except in bulk" restrictions in Subs-16F, 24F, 27F, 32F and 64F; and (5) remove restrictions against service to AK to HI in Sub-45F.

MC 124004 (Sub-68)X, filed March 27, 1981. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, New Jersey 07871. Representative: Richard W. Dahn, Vice President, 620 West Mountain Road, Sparta, New Jersey 07871. Applicant seeks to remove restrictions in its Sub-1, 2, 3, 7, 10, 17, 18, 23, 31, 35, 36, 42, 44F, and 58 in order to (1) broaden the commodity description (a) from sand and gravel in bulk in Sub-2, from magnetite ore, in bulk, in Sub-7 and from scrap metals in dump vehicle in Sub-42 to "commodities in bulk," (b) from magnetite ore in Sub-2 to "ores and minerals," (c) from quarry products, artificial stone, quarry machinery and machinery incidental to the manufacture, preparation for use, or erection of artificial or natural stone, (in some instances stone, stone products, building and decorative stone, slate, precast concrete products, marble, granite, quartz, topaz, and products thereof to "ores and minerals, coal and coal products, clay, concrete, glass or stone products and machinery" in Sub-1, 3, 10, 18, 23, 31, 36, and 44F, (d) from building stone to "building materials" in Sub-10, 17 and 18, (e) from terrazzo, marble, crushed stone and materials, equipment and supplies used in the manufacture, installation, and sale of the foregoing commodities to "building materials, clay, concrete, glass and stone products," in Sub-31 and 35 and (f) from lime and limestone products and materials, equipment and supplies used in the manufacture and sale of lime and limestone products to "ores and minerals, clay, concrete, glass or stone products, and materials, equipment and supplies therefor," in Sub-58F; (2) remove the restrictions on its commodities and territory (in some instances) in (a) Sub-1 "loose or in bulk," (b) Sub-10 "except cement, and except commodities in bulk, in tank vehicles," "except crushed stone, common gravel, and construction aggregates," and "except from the Plantsites or Warren Co. at Devault and Cedar Hollow, PA," (c) Sub-17 "in dump vehicles," (d) Sub-44F "in dump vehicles" and (e) Sub-42, remove the restriction against radial service between points in the NY, NY commercial zone, and, points in NJ, and the restriction against radial service between points in the NY, NY commercial zone, and, points in VA and DE; (3) replace authority to serve specified facilities at named points and authority to serve specified points with county-wide authority; (a) in Sub-1, 2 and 7, Mt. Hope, NJ to Morris County, NJ, (b) in Sub-10, Phillipsburg, NJ to Warren County, NJ; South Lyndeboro, NH to Hillsborough County, NH; Bangor and Penn Argyle, PA to North Hampton County, PA; Portageville, NY to Wyoming County, NY; Montague, NJ to Sussex County, NJ and Media, PA to Delaware County, PA, (c) in Sub-17 Lumberville, PA to Bucks County, PA, (d) in Sub-23, Franklin, NJ to Sussex County, NJ, (e) in Sub-35 the facilities at or near Staley, NC to Chatham County, NC, and (f) in Sub-44F, Kings Mountain, NC to Cleveland County, NC; (4) in Sub-1, 2, 7, 10, 17, 18, 23, 31, 36, and 44F expand one-way authorities to authorize radial service between specified cities or counties in 34 Mid-western, Central, and Eastern States and numerous specified Midwest, Central, and Eastern States; and (5) delete an "originating at or destined to" restriction in Sub-44.

MC 125368 (Sub-125)X, filed March 31, 1981. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28448. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-2, 14, 18, 19, 20, 21, 22, 25, 27, 28, 33, 35, 37, 39F, 44F, 50F, 62F, 63F, 64F, 65F, 66F, 71F, 72F, 73F, 74F, 83F, 84F, 86F, 87F, 88F, 89F, 90F, 94F, 96F, 97F, 98F, 99F, 103F, 105F, 106F, 107F, 108F, 109F, 110F, 111F, 112F, 113F, 115F, 116F, 117F, 118F, and 119F certificates to (1) broaden its commodity descriptions: from meat, frozen bakery, beverages, cheese, etc. to "food and related products" in Sub-2, 14, 18, 19, 20, 21, 22, 25, 27, 28, 33, 37F, 62F, 63F, 64F, 65F, 66F, 71F, 72F, 73F, 83F, 84F, 86F, 87F, 89F, 90F, 96F, 98F, 99F, 104F, 110F, 111F, 112F, 113F, 117F, and 118F; from glass tubing, flat glass, slate products, etc. to "clay, concrete, glass or stone products" in Sub-39F, 44F, 74F, 105F, 108F, 109F, 115F, and 116F; from plastic bottles, rubber articles, etc. to "plastic and rubber products" in Sub-44F, 88F, and 94F; from folding cartons to "pulp, paper, and related products" in Sub-50F; from container equipment, forest handling equipment, etc. to "machinery" in Sub-106F, and; from refrigerator and air conditioning coils, etc. to "metal products," in Sub-119F; (2) to remove various restrictions such as "in bulk," "in tank vehicles," "except hides," "in containers" and "except corrogated" in Sub-2, 18, 19, 20, 22, 27, 28, 33, 35, 50F, 63F, 65F, 71F, 72F, 87F, 95F, 96F, 110F,

111F, 112F, 113F, and 118F; (3) remove facilities restrictions in Sub-2, 18, 19, 20, 21, 22, 25, 27, 28, 33, 35, 37F, 39F, 44F, 50F, 62F–66F,

71F, 72F, 73F, 74F, 83F, 84F, 86F–90F, 94F–99F, 103F–113F, 115F, 116F, 117F, 118F, and 119F; (4) replace authority to serve named points with county-wide authority: Westside County, IL, for Sterling, IL, in Sub-No. 2; Nobles County, MN, for Worthington, MN, in Sub-Nos. 2, 19, 83F, and 95F; Hall County, NE, for Grand Island, NE, in Sub-Nos. 2, 22, 27, and 65F; Blue Earth County, MN, for Mankato, MN, in Sub-No. 2; Lake County, IL, for Deerfield, IL, in Sub-No. 14; Texas County, OK, for Guymon, OK, in Sub-No. 18; Washington County, MS for Greenville, MS, in Sub-No. 20; Madison County, TN, for Jackson, TN, in Sub-No. 21; Mills County, IA, for Glenwood, IA, in Sub-Nos. 22 and 65F; Marshall County, IA, for Marshalltown, IA, in Sub-Nos. 22 and 65F; Woodbury County, IA, for Sioux City, IA, in Sub-Nos. 22, 63F, 65F, and 95F; DuPage County, IL, for Downers Grove, IL, in Sub-No. 25F; Chicasaw County, IA, for New Hampton, IA, in Sub-No. 27; Cherokee County, SC, for Gaffney, SC, in Sub-No. 28; Moore County, TX, for Cactus, TX, in Sub-Nos. 33 and 118F; Henry County, OH, for Napoleon, OH, in Sub-Nos. 37, 64F, and 84F; Scotland County, NC, for Laurinburg, NC, in Sub-Nos. 39F, 74F, and 108F; Sumter County, SC, for Sumter, SC, in Sub-No. 44F; Custer County, NE, for Broken Bow, NE, Platte County, NE, for Columbus, NE, and Phelps County, NE, for Holdrege, NE, in Sub-No. 44F; Aroostock County, ME, for Fort Fairfield, ME, in Sub-No. 66F; Auglaize County, OH for Wapakoneta, OH, in Sub-No. 62F; Dubuque County, IA, for Dubuque, IA in Sub-No. 63F; Crawford County, IA, for Denison, IA in Sub-No. 63F; Kent County, DE, for Clayton, DE, in Sub-Nos. 64F and 84F; Wicomico County, MD, for Salisbury, MD, in Sub-Nos. 64F and 84F; Worcester County, MD., Pokomoke City, MD, in Sub-Nos. 64F and 84F; Ogle County, IL, for Rochelle, IL, Kankakee County, IL, for Bradley, IL, and Kane County, IL, for St. Charles, IL, in Sub-Nos. 65F and 111F; Plymouth County, IA, for LeMars, IA in Sub-No. 71F; Wilson County, NC, for Wilson, NC, in Sub-Nos. 72F and 87F; Fulton County, OH, for Archbold, OH, Defiance County, OH, for Defiance, OH, and Miami County, OH, for Troy, OH, in Sub-Nos. 72F and 99F; Robenson County, NC, for Maxton, NC, in Sub-No. 73F; Sampson County, NC, for Clinton, NC, in Sub-No. 74F; Dodge County, NE, for Fremont, NE, and Johnson County, NE, for Tecumseh, NE, in Sub-No. 83F; Chester County, PA, for Downington, PA, and Lehigh County, PA, for Fogelsville, PA, in Sub-No. 84F; Monroe County, NY, for Rochester, NY in Sub-No. 88F; King George County, VA, for King George, VA, in Sub-Nos. 90F and 104F; Chesterfield County, SC, for Cheraw, SC, in Sub-Nos. 94F and 110F; Minnehaha County, SD, for Sioux Falls, SD, in Sub-No. 95F; Emmet County, IA, for Estherville, IA, in Sub-No. 95F; Potter County, TX, for Amarillo, TX, El Paso County, TX, for El Paso, TX, and Lubbock County, TX, for Lubbock, TX, in Sub-No. 96F; Sedquick County, KS, for Arkansas City, KS, and Cowley County, KS, for Wichita, KS, in Sub-No. 96F; Webster Parrish, LA, for Minden, LA, in Sub-No. 106F; Jefferson County, MO, for Crystal City, MO, in Sub-Nos. 109F and 115F; Crawford County, PA, for Kerbert Park, PA and Cumberland County, PA, for Mt. Holly Springs, PA, In Sub-Nos. 109F and 115F; Macon County, IL, for Mt. Zion, IL, in Sub-Nos. 109F and 115F; Tama County, IA, for Tama, IA, in Sub-No. 113F; Rutland County, VT, for West Pawlet, Poultney, and Fair Haven, VT, in Sub-No. 116F; and Caroline County, MD, for Ridgley, MD, in Sub-No. 117F; (5) remove "originating at and/or destined to" restrictions in Sub-Nos. 2, 20, 22, 25, 27, 33, 86F, 95F, 96F, and 103F; (6) remove the restriction against transportation of traffic to or from AK and HI in Sub-Nos. 20, 97F, 98F, 113F, 115F, 116F, 117F, and 119F; (7) remove the restriction against service to GA in Sub-No. 97F; and (8) remove the restriction against service at the Frederick & Herrund facilities in Sub-No. 20.

MC 127303 (Sub-86)X, filed March 4, 1981, previously noticed in the **Federal Register** of March 23, 1981, republished as corrected this issue. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 63126. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 75F certificate to (1) remove the restriction against the transportation of "commodities in bulk, in tank vehicles", and (2) broaden the territorial description: (a) eliminate the "except AK and HI" restriction, and (b) replace the plantsite limitation at Des Plaines, IL, with Chicago, IL. The purpose of this republication is to replace in (2)(b) the plantsite limitation at Des Plaines, IL with Chicago, IL, corrected from Cook County, IL.

MC 128279 (Sub-43)X, filed March 25, 1981. Applicant: ARROW FREIGHTWAYS, INC., P.O. Box 25125, Albuquerque, NM 87125. Representative: Olif Q. Boyd (same as above). Applicant seeks to remove restrictions in its Sub-1F, 3, 10, 11, 14, 16, 20, 25, 26, 28, 34F, 35F, and 40F certificates to (1) broaden the commodity descriptions to (a) "construction materials, supplies and equipment" from construction materials, supplies and equipment (except lumber) in Sub-1F; and (b) "gypsum and gypsum products, and materials and supplies used in the manufacture and distribution thereof" from gypsum and gypsum products in Sub-20; (2) remove the "size or weight" restriction in Sub-1F and 11; (3) remove "except commodities in bulk" restriction in Sub-34F and 35F; (4) remove the restrictions against the transportation of commodities described in *Mercer Extension*, 74 M.C.C. 459 in Sub-11, 28, and 35F; (5) remove the restriction limiting service to the transportation of traffic originating at and/or destined to named points in Sub-35F; (6) replace cities and plantsite restrictions with county-wide authority; Rosario with Santa Fe County, NM in Sub-3 and 10; Los Alamos with Los Alamos County, NM in Sub-11; Albuquerque with Bernalillo County, NM in Sub-14, 20, 26 and 34F; Florence with Fremont County, CO in Sub-16; Denver and Pueblo with Denver and Pueblo Counties, CO in Sub-25; and El Paso with El Paso County, TX in Sub-28 and 40F; (7) change its one-way authorities to radial authorities between named points in the central and western parts of the U.S.; and (8) in Sub-1F, remove the restriction against the delivery of traffic to points in AZ on U.S. Hwy 66.

MC 129325 (Sub-10)X, filed February 24, 1981, previously noticed in the **Federal Register** of March 17, 1981, republished as corrected this issue. Applicant: DIAZ MOTOR FREIGHT, INC., P.O. Box 8266, New Orleans, LA 70122. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 6, and 9 certificates to (1) broaden the commodity descriptions to (a) "metal products" from iron and steel articles in the lead and Sub-No. 4 and steel reinforcing bars and wire rods in Sub-No. 9; (b) "rubber & plastic products" from plastic pipe in Sub-No. 3; and (c) "food and related products and chemical and related products" from vegetable oils, in containers, in Sub-No. 6, (2) replace plantsites with city-wide or county-wide authority: St. Rose, LA with St. Charles Parish, LA in Sub-No. 6 and Beaumont, TX in Sub-No. 9, (3) change the one-way authorities to radial authorities between: New Orleans, LA, and points in AR, AL, GA, LA, MS, TN, and in described parts of TX and FL in the lead; Houston, TX and points in the

U.S. in Sub-No. 3; New Orleans, LA and points in a described part of FL in Sub-No. 4; St. Charles Parish, LA and New Orleans, LA in Sub-No. 6; and Beaumont, TX and New Orleans, LA in Sub-No. 9, (4) eliminate the exception of AK, HI, and TX in Sub-No. 3, (5) remove the restriction limiting service to the transportation of traffic having an immediately subsequent movement by water in Sub-No. 6, and (6) replace existing authority to serve New Orleans, LA with authority to serve St. Bernard, Plaquemines, Jefferson, Orleans, and St. Charles Parishes, LA. The purpose of this republication is to include the territorial broadening in part (6).

MC 133591 (Sub-141)X, filed March 13, 1981, previously noticed in the **Federal Register** of March 27, 1981, republished as corrected this issue. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in MC 133951 (Sub-No. 69F) to (1) broaden the commodity description from processed milk products, containers and container parts to "food and related products and such commodities as are dealt in or used by manufacturers of containers"; (2) replace city-wide/county-wide authority: St. Joseph, MO, with Buchanan and Andrew Cos., MO, and Doniphan County, KS; Mount Vernon, MO, with Lawrence Co., MO; Mansfield, TX, with Tarrant and Johnson Cos., TX; and (3) authorize radial operations in place of existing one-way authority between the above counties and points in MN, WI, MI, IA, MO, TN, KY, IL, AR, LA, MS, TX, OK, NE, ND, SD, MT, WY, CO, NM, AZ, IN, UT, ID, WA, OR, CA and NV. The purpose of this republication is to include Doniphan County, KS which was originally omitted in part (2).

MC 134064 (Sub-51)X, filed March 27, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 5, 7, 8, 10F, 12F, 16F, 17F, 19F, 21F, 22F, 23F, 24F, 25F, 28F, 31F, 36F, 37F, 38F, 43F, 44F, 45F, 46F certificates to (1) broaden the commodity description to "food and related products" from animal and poultry feed in Sub-No. 2, from salt and salt products, pepper in packages, animals and poultry minerals feed mixtures, in packages and materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries in Sub-No. 3; from prepared flour mixes, and frosting mixes in Sub-No. 5; from canned and preserved foodstuffs in Sub-No. 16F; from foodstuffs (except commodities in bulk) and confectionery products (except in bulk, and except foodstuffs) in Sub-No. 17F; from foodstuffs (except in bulk) in Sub-Nos. 21F, 24F, 36F part (2) of Sub-No. 46F and part (1) of Sub-No. 45; from frozen foods in Sub-No. 23F; from meat, meat products, meat byproducts, and articles distributed by meat-packing houses (except hides and commodities in bulk) in Sub-Nos. 25F and part (1) of 46F; from canned goods, unfrozen in Sub-No. 43F; to "petroleum, natural gas and their products" from packaged petroleum products in Sub-No. 7; from petroleum and/or petroleum products, in Sub-Nos. 8, 10F, 12F, 19F and 22F; and to "chemicals and related products" from chemicals (except in bulk) in Sub-No. 37F, (2) remove the mixed loads restriction in Sub-No. 3, (3) remove the "in bulk" restrictions in Sub-Nos. 8, 10F, 12F, 17F, 19F, 21F, 22F, 24F, 25F, 28F, 31F, 36F, 37F, 38F, 44F, 45F and 46F, (4) remove the restriction to AK and HI in Sub-No. 44F, (5) remove the restrictions "in tank vehicles" in Sub-No. 19F, (6) remove the "originating at and/ or destined to" restrictions in Sub-Nos. 7, 8, 12F, 17F, 19F, 23F, 24F, 25F, and 46F, (7) remove the facilities limitation: (a) in Sub-No. 5 and replace Chelsea, MI with Wastenaw County, WI, (b) in Sub-No. 10F and part (1) of Sub-No. 12 and replace St. Marys and Congo, WV with Pleasants and Hancock Counties, WV, (c) in part (2) of Sub-No. 12F and replace Buffalo, NY and Emlenton, Farmers Valley and North Warren, PA with Erie County, NY, and Venango and Warren Counties, PA, (d) in Sub-No. 16F, 19F, 21F, and 36F, (e) in Sub-No. 17F and replace Burlington, WI with Racine County, WI, (f) in Sub-No. 22F and replace Bradford, PA with McKean County, PA, (g) in Sub-No. 23F and replace Wethersfield and Hartford, CT with Hartford County, CT, (h) in Sub-No. 24F and replace Archbold, OH with Fulton County, OH, (i) in Sub-No. 25F and replace Augusta, GA with Richmond County, GA, (j) in Sub-No. 28F and 38F and replace Bentonville, Searcy, and Ft. Smith with Benton and White Counties, AR and Ft. Smith, AR, (k) in Sub-No. 43F and replace Hoopeston and Princeville, IL and Mayville, WI with Vermilion and Peoria Counties, IL and Dodge County, WI and (l) in Sub-No. 44F and replace Lenexa, KS and Victory Garders, NJ with Johnson County, KS and Morris County, NJ, (8) change city to county-wide authority (a) in Sub-No. 2 from Delmar, DE and Salisbury, MD to Sussex County, DE and Wicomico County, MD, (b) in Sub-No. 3 from Marysville and St. Clair, MI and Rettman and Akron, OH to St. Clair County, MI and Wayne and Summit Counties, OH, (c) in Sub-No. 7 from New Kensington, PA to Westmoreland County, PA, (d) in Sub-No. 8 Jasper, TN to Marion County, TN, (e) in Sub-No. 31F from Jackson, MI to Jackson County, MI, and (f) in Sub-No. 46F Metairie, LA to Jefferson Parish, LA, and (9) change one-way to radial authority between (a) points in named DE and MD counties, and, points in 6 states in Sub-No. 2, (b) points in a MI county and 2 OH counties, and, points in 3 states, and points in described portions of 2 states in Sub-No. 3, (c) points in 1 WI county, and, points in 6 states Sub-No. 5, (d) points in 1 PA county, and, points in 4 states in Sub-No. 7, (e), points in 1 TN county, and various destination states in Sub-No. 8, (f) points in 2 WV counties, and points in 4 state in Sub-No. 10F, (g) points in 2 WV counties, and, points in 2 states, and, points in 1 NY and 2 PA counties, and, point in 5 states in Sub-No. 12F, (h) points Pittsburgh, PA commerical zone, and point in 4 states in Sub-No. 16F, (i) points in Racine County, WI, and, Memphis, TN, Jacksonville, FL, and Charlotte, NC in Sub-No. 17F, (j) points in Warren County, MS, and, a described portion of the U.S., and, points in 13 states, and points in Warren County, MS in Sub-No. 19F, (k) Clifton, NJ commerical zone, and, points in 8 state in Sub-No. 21F, (l) point in McKean County, PA and, points in 6 states in Sub-No. 22F, (m) points in 1 CT county, and, points in 12 states and DC in Sub-No. 23F, (n) points in 1 OH county, and, points in 7 states in Sub-No. 24F, (o) points in 1 GA county, and, a describved portion of the U.S. in Sub-No. 25F, (p) points in 9 states, and, 2 AR counties and Ft. Smith, AR commerical zone in Sub-No. 28F, (q) points in Jackson County, MI, and, points in 8 states in Sub-No. 31F, (r) point in Baltimore, MD and 4 MD counties, and, points in 29 states in Sub-No. 36F, (s) Cincinnati, OH, and, points in 10 states in Sub-No. 37F, (t) points in 7 states, and 2 AR counties, and Ft. Smith, AR commerical zone in Sub-No. 38F, and (u) points in 2 IL counties and 1 WI county, and, points in 11 states in Sub-No. 43F.

MC 134701 (Sub-7)X, filed April 1, 1981. Applicant: J-V, INC., 723 E. 8425 S., Sandy, UT 94070. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-No. 5F permit to (1) broaden the commodity description to "chemicals and related products"

from fertilizer; (2) broaden the territorial description to between points in the United States under continuing contracts(s) with named shipper; and (3) eliminate the restriction "requiring that traffic originate at named points in Canada".

MC 135524 (Sub-167)X, filed March 19, 1981. Applicant: G. F. TRUCKING COMPANY, P.O. Box 229, Youngtown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 5, 15F, 25F, 32F, 51F, 53F, 57F, 70F, 86F, 98F, 112F, 113F, 116F, and 136F certificates to (1) broaden the commodity description in the following: in the lead, from iron and steel pipe, tubing, and conduit to "metal products"; in Sub-No. 2 from conveyors, conveyor systems and accessories, and, parts, to "machinery"; in Sub-No. 3 and 5 from iron and steel articles to "metal products"; in Sub-No. 15F from iron and steel articles, materials, and equipment, and supplies used in the manufacture and distribution of iron and steel articles to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products"; in Sub-No. 25F from iron and steel articles, electrical conduit, pipe and accessories for the pipe to "metal products, rubber and plastic products, clay, concrete, glass or stone products;" Sub-No. 32F, from bituminous fibre pipe to "clay, concrete, glass or stone products and rubber and plastic products"; in Sub-No. 51F from paper products to "pulp, paper and related products"; in Sub-No. 53F from prefabricated building parts, and accessories used in the installation thereof and iron and steel articles to "building materials and accessories used in the installation thereof and metal products"; in Sub-No. 57F from iron and steel articles, and equipment, materials and supplies used in the manufacture and distribution thereof to "metal products and
County, IN for Elkhart, IN; in Sub-No. 53F Butler County, PA, Fayette County, IN, San Joaquin County, CA, and Beaver County, PA for named plantsites at Ambridge and Zelienople, PA, Connersville, IN, Stockton, CA and Batavia, OH; in Sub-No. 57F Washington County, MN for named plantsite at Newport, MN; in Sub-No. 70F Cedar County, MO for El Dorado Springs, MO; in Sub-No. 86F Grundy and Buchannon Counties, Mo, Doniphan County, KS, Cumberland County, PA and Allen County, IN for named plantsites at Trenton and St. Joseph, MO, Elwood, KS, Mechanicsburg, PA, and Ft. Wayne, IN; in Sub-No. 98F Erie County, NY, for Akron, NY, Westchester County, NY for Buchannon, NY, Camden County, NJ for Delair, NJ, Caroline County, VA for Milford, VA, Bucks County, PA for Quakertown, PA, and New Castle County, DE for Wilmington, DE; in Sub-No. 113F Jefferson County, AR for Pine Bluff, AR and Grant County, AR for Sheridan, AR; in Sub-No. 116F Middlesex County, NJ, Will County, IL, Dallas, TX, San Jose, CA, and Los Angeles, CA for named plantsites at Avenel, NJ, Joliet, IL, Dallas, TX, San Jose and Los Angeles CA; and in Sub-No. 136F Orleans County, NY, DeKalb County, GA, Peoria County, IL and Philadelphia, PA for named plantsites at Medina, NY, Philadelphia, PA, Lithonia, GA and Peoria, IL; (3) in Sub-Nos. 2 and 136F remove the restriction against "size and weight commodities"; (4) in Sub-Nos. 5 and 86F remove the "originating at and destined to named points" restrictions (5) in Sub-Nos. 2, 15F, 86F, 113F, 116F, and 136F remove the "except in bulk" restrictions, and (6) remove the restriction against AK and HI in Sub-Nos. 53F, 112F, 113F, 116F, and 136F, "equipment materials and supplies"; used in the manufacture and distribution of "metal products" in Sub-No. 70F from laminated beams and arches, and wood decking to "lumber and wood products, and forest products"; in Sub-No. 86F from foodstuffs, pet foods and animal feeds to "farm products and food and related products"; Sub-No. 98F part (1) gypsum, gypsum products and building materials to "clay, concrete, glass or stone product, and building materials"; in Sub-No. 112F from composition board to "lumber and wood products, pulp, paper and related products, rubber and plastic products"; Sub-No. 113F from lumber, particleboard, composition board, poles, piling, pallets, timbers, crossties, and wallboard and materials, equipment and supplies used in the manufacture and distribution of the commodities above to "forest products, lumber and wood products, and pulp, paper and related products"; in Sub-No. 116F from cleaning, washing, buffing, and polishing compounds, textile softeners, lubricants, hypochloride solutions, deodorants, disinfectants, and paints to "chemicals and related products and petroleum, natural gas and their products;" and in Sub-No. 136F from sheet metal products, and pipe and equipment, materials and supplies used in the distribution and installation of sheet metal products and pipe to "metal products, rubber and plastic products, clay, concrete, glass, or stone products"; (2) substitute counties for plantsite and/or cities in the lead, Mercer County, PA for named facilities at Sharon and Wheatland, PA; in Sub-No. 2 Boone County, KY for named plantsite at Florence, KY; in Sub-Nos. 3 and 5 Trumbull County, OH and Westmoreland County, PA for named plantsites at Niles, OH and New Kensington, PA; in Sub-No. 32F Washington County, WI for West Bend, WI; in Sub-No. 51F Elkhart.

MC 136161 (Sub-38)X, filed March 18, 1981, previously noticed in the **Federal Register** March 31, 1981, republished as corrected this issue. Applicant: ORBIT TRANSPORT, INC., P.O. Box 136, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 29F certificate to (1) remove the restriction against the transportation of "commodities in bulk, in tank vehicles," and (2) delete the exception of service to AK and HI, and (3) replace a plantsite restriction located in Des Plains, IL, with Chicago, IL, to authorize service between Chicago, IL and points in the U.S. The purpose of this republication is to replace in (3) the plansite restriction at Des Plaines, IL with Chicago, IL, corrected from Cook County, IL.

MC 136786 (Sub-244)X, filed March 20, 1981. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Stanley C. Olsen, Jr., Suite 307, 5200 Willson Road, Edina, MN 55424. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 6, 7, 35, 37, 39, 40, 44, 53, 58, 70, 73, 79, 81, 92, 107, 112, 113, 116, 119, 123, 125, 127, 132F, 137F, 146F, 152F, 159F, 163F, 164F, 165F, 168F, 169F, 170F, 172, 175F, 176F, 183F, 191F, 195F, 196F, 198F, 206F, 208F, 212F, 216F, 226F, 227F, 229F, and 234F certificates to (1) broaden the commodity descriptions from (a) citrus products, frozen citrus products, canned citrus products, chilled citrus products, fruit juices and drinks, meats, meat products, and meat by-products and articles distributed by meat packinghouses, fresh and frozen meat, cream, cheese, butter and milk, frozen foods, food products, bananas, animal feed, dairy products, edible meats, canned goods, gelatines, tails, vegetable oils and vegetable oil shortenings, foodstuffs, processed meat, cheese, and cheese products, frozen fruits, frozen berries, and frozen vegetables, macaroni, noodles, spaghetti, and vermicelli, nuts, dates, shredded coconut, spices and herbs, animal feed concentrates, milk and milk products, frozen desserts, dessert toppings, eggs,

margarine, dips, salads, and puddings, milk by-products and non-alcoholic and non-carbonated beverages, fluid milk and fluid milk products, ice cream, ice milk, sherbert, and frozen confections, frozen ice cream novelties, animal feed, feed ingredients, additives, roasted peanuts and peanut products, to "food and related products" in the lead and Sub-Nos. 6, 7, 37, 39, 44, 53, 58, 70, 73, 81, 107, 112, 119, 123, 125, 146F, 152F, 159F, 163F, 165F, 168F, 169F, 170F, 175F, 183F, 195F, 198F, 216F, 226F, 227F, and 234F; (b) foodstuffs, pet foods, pet supplies, cleaning compounds, and commodities which are exempt in the same vehicle with commodities named above to "food and related products and chemicals and related products" in Sub-No. 35; (c) new furniture, furniture parts, and clocks to "furniture and fixtures and instruments and photographic goods" in Sub-No. 40; (d) frozen prepared foods, meats, meat products and meat by-products, and articles distributed by meat packinghouses, cranberry products, wool, wool waste, and wool imported from a foreign country imported wool, wool tops and noils, and wool waste (carded, spun, woven, or knitted) and domestic wool to "food and related products and textile mill products" in Sub-No. 92; (e) new furniture and furniture parts to "furniture and fixtures" in the lead and Sub-Nos. 5 and 113; (f) fertilizer and cleaning compounds, agricultural fermentation compounds, and ingredients, adhesives, paint and paint products to "chemicals and related products" in the lead and Sub-Nos. 137, 172, and 176F; (g) carpeting and carpet padding to "textile mill products" in Sub-Nos. 79 and 116; (h) plastic laminates and plastic laminated products to "rubber and plastic products" in the lead; (i) printed matter, products produced or distributed by producers and distributors of printed matter, and printing paper to "printed matter, such commodities as are dealt in by producers and distributors of printed matter, and pulp, paper and related products" in Sub-No. 132F; (j) confectionery, dessert, preparations, and gum ball machines and stands to "food and related products, machinery, and miscellaneous products of manufacturing" in Sub-No. 164F; (k) carpet, carpet padding, and plastic articles to "textile mill products and rubber and plastic products" in Sub-No. 191F; (l) foodstuffs, drugs, plastic articles, and rubber products to "food and related products, chemicals and related products, and rubber and plastic products" in Sub-No. 206F; (m) fertilizer, potting soil, and materials, equipment and supplies to "chemicals and related products and clay, concrete, glass or stone products" in Sub-No. 208F; and (n) cleaning and polishing compounds, textile softeners, lubricants, hypochlorite solutions, deodorants, disinfections, paints, stains, varnishes, plastic bags and filters to "chemicals and related products, petroleum, natural gas and their products, rubber and plastic products, and pulp, paper and related products" in Sub-No. 212F; (2) remove the commodity restrictions (a) "except frozen meats and frozen dairy products", "except frozen meat pies and frozen poultry pies, from Macon, MO", "mixed loads", "in containers", and "except hides, dry acids, and chemicals in bulk, and liquid commodities, in bulk, in tank vehicles" in the lead; (b) "except commodities in bulk" in the lead and Sub-Nos. 35, 70, 119, 132F, 137F, 146F, 152F, 164F, 170F, 175F, 183F, 196F, 198F, 206F, 212F, and 234F; (c) "except hides and commodities in bulk" in the lead and Sub-Nos. 6, 44, 58, 73, 92, 112 and 165F; (d) "except hides and commodities in bulk, in tank vehicles" in the lead and Sub-Nos. 107 and 127; (e) "in vehicles equipped with mechanical refrigeration" in the lead and Sub-Nos. 119, 152F, 164F, 170F, 172, and 196F; (f) "except frozen and commodities in bulk, in tank vehicles" in Sub-No. 159F; (g) "except commodities in bulk and those requiring special equipment" in Sub-No. 208F; and (h) "except uncrated" in Sub-No. 113; (3) eliminate the facilities limitations in the lead and Sub-Nos. 5, 6, 35, 37, 39, 44, 53, 58, 70, 73, 81, 92, 112, 113, 123, 125,, 217, 132F, 152F, 163F, 164F, 165F, 168F, 170F, 183F, 198F, 212F, 216F, 229F, and 234F; (4) replace specific point authority with county-wide authority wherever they appear in the above-numbered certificates as follows: Waycross to Ware County, GA; Fort Wayne to Allen County, IN; Garden City to Finney County, KS; Springfield, Macon, Neosho, Ozark, Cabool, Eldorado Springs, Monett, and Lebanon to Greene, Macon, Newton, Christian, Texas, Cedar, Barry, and Laclede Counties, MO; Des Moines, Fort Dodge, and Webster City to Polk, Webster, and Hamilton Counties, IA; California and Sedalia to Montieau and Pettis Counties, MO; New Orleans to Orleans Parish, LA; Mobile to Mobile County, AL; Pittsburgh and Coffeyville to Crawford and Montgomery Counties, KS; Golden Meadow and Lockport to Lafourche Parish, LA; Cedar Rapids to Linn County, IA; Rutherfordton to Rutherford County, NC; Newton, Conover, Marion, Taylorsville, and Lenoir to Catawba, McDowell, Alexander, and Caldwell Counties, NC; Mankato, Downs, and Great Bend to Jewell, Osborne, and Barton Counties, KS; Toccoa to Stephens County, GA; Selma to Dallas County, AL; Truman to Poinsett County, AR; Huron to Beadle County, SD; Scottsbluff to Scotts Bluff County, NE; South St. Paul to Dakota County, MN; Marshall to Saline County, MO; Eau Claire to Eau Claire County, WI; Worthington, Fairmont, and Zumbrota to Nobles, Martin, and Goodhue Counties, MN; East Brunswick to Middlesex County, NJ; Buena Park, Burbank, Torrence, City of Commerce, Pico Rivera, El Monte, Stockton, and Salinas to Orange, Los Angeles, San Joaquin, and Monterey Counties, CA; Seattle to King County, WA; Carthage to Jasper County, MO; Landover to Prince Georges County, MD; Superior to Nuckolls County, NE; Hutchinson and Wichita to Reno and Sedgwick Counties, KS; El Paso to El Paso County, TX; Auburn to Androscoggin County, ME; Deerfield to Lake County, IL; New Richmond to Saint Croix County, WI; Ames to Story County, IA; Peoria, to Peoria County, IL; Huntington to Huntington County, IN; Hamilton and Dayton to Butler and Montgomery Counties, OH; Phoenix to Maricopa County, AZ, Little Rock and Gainesville to Pulaski and Greene Counties, AR; Amarillo to Potter County, TX; Atchinson, Leavenworth, Lawrence, Topeka, Manhattan, Emporia, Ottawa, Fort Scott, Chanute, Parsons, Garnett, and Iola to Atchinson, Leavenworth, Douglas, Shawnee, Riley, Lyon, Franklin, Bourbon, Neosho, Labette, Anderson and Allen Counties, KS; Corning, Griswold, Kinsley, Storm Lake, Guthrie Center, Audubon, Greenfield, Ottumwa, Oskaloosa, and Bedford to Adams, Cass, Plymouth, Buena Vista, Guthrie, Audubon, Adair, Wapello, Mahaska and Taylor Counties, IA; Norfolk, Fremont, Columbus, Fullerton, Kearney, Grand Island, Seward, Lincoln, Nebraska City, Auburn, Falls City, Beatrice, Hebron, Alma, Oxford, and Holdrege to Madison, Dodge, Platte, Nance, Buffalo, Hall, Seward, Lancaster, Otoe, Nemaha, Richardson, Gage, Thayer, Harlan, Furnas and Phelps Counties, NE; Carroll, Sioux City, Clarinda, Shenandoah, Red Oak, Atlantic, Osceola, Chariton, Winterset Indianola, and Centerville to Carroll, Woodbury, Page, Montgomery, Cass, Clarke, Lucas, Madison, Warren and Appanoose Counties, IA; Sebetha, Belleville, and Hays to Nenaha, Republic, and Ellis Counties, KS; Columbia, Joplin, LaPlata, and Kirksville, to Boone, Jasper, Macon, and Adair Counties, MO; Tucson to Pima County, AZ, Boise to Ada County, ID, Dakota City to Dakota County, NE;

Denison, Iowa Falls, LeMars, and Mason City to Crawford, Hardin, Plymouth, and Cerro Gordo Counties, IA; Albert Lea and Luverne to Freeborn and Rock Counties, MN; Carnegie to Allegheny County, PA; West Point to Cuming County, NE; West Fargo to Cass County, ND; Mt. Airy to Surry County, NC; St. Joseph to
Buchanan County, MO; Clearfield, Richmond, and Logan to Davis and Cache Counties, UT; Duluth, Austin, and Fairbault to St. Louis, Mower, and Rice Counties, MN; Ahoskie to Hertford County, NC; Kensoha and Chippewa Falls to Kenosha and Chippewa Counties, WI; Lacon and Rochelle to Marshall and Ogle Counties, IL; Esterville and Humboldt to Emmet and Humboldt Counties, IA; Sioux Falls to Minnehaha County, SD; Lancaster and Harrisburg to Lancaster and Dauplin Counties, PA; Lexington and Versailles to Fayette and Woodford Counties, KY; Abany, Troy, and Middleport to Albany, Rensselaer, and Niagara Counties, NY; Brattleboro and Burlington to Windham and Chittenden Counties, VT; West Lebanon and Keene to Grafton and Cheshire Counties, NH; Paw Paw to Van Buren County, MI; Franklin to Hancock County, ME; Kennewick and Grandview to Benton and Yakima Counties, WA; Middleboro and Plymouth County, MA; Bordentown to Burlington County, NJ; North East and Erie to Erie County, PA; Glenwood and Marshalltown to Mills and Marshall Counties, IA; Bedford Heights and Columbus to Cuyahoga and Franklin Counties, OH; Oak Creek to Milwaukee County, WI; Montgomery to Montgomery County, AL; Lake Wales to Polk County, FL; North Chicago to Lake County, IL; Sulphur Springs to Hopkins County, TX; Dover to Kent County, DE; Ogden to Weber County, UT; Haverhill to Essex County, MA; Waxdale and Racine to Racine County, WI; Milwaukee to Clackamas County, OR; Aberdeen and Markham to Grays Harbor County, WA; Sturgis to St. Joseph County, MI; Joliet to Will County, IL; Brockport, Holley, and Buffalo to Monroe, Orleans, and Erie Counties, NY; and Lyons to Cook County, IL; (5) authorize radial service between points located throughout the entire U.S. or combinations of specified States therein; (6) remove territory restrictions against (a) "originating at and destined to" in the lead and Sub-Nos. 6, 35, 39, 44, 53, 58, 70, 73, 81, 92, 112, 119, 123, 125, 127, 132F, 146F, 163F, 168F, 183F, 198F, 212F, and 229F; and (b) except AK and HI in the lead and Sub-Nos. 132F, 169F, 183F, 212F, 226F, 227F, and 229F.

MC 139379 (Sub-10)X, filed April 2, 1981. Applicant: LES MATHRE TRUCKING, INC., 417 8th Street, Story City, IA 50248. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-No. 1 certificate (1) to remove the restrictions against the transportation of hides, skins, and commodities in bulk; (2) to remove "facilities" and "originating at and destined to" restrictions; (3) to replace authority to serve named points with county-wide authority: Saline County, NE for Crete, NE; Carroll County, IA for Carroll, IA; Crawford County, IA for Dension, IA; and Hardin County, IA for Iowa Falls, IA; and replace one-way authority with radial authority between four NE and IA counties and nine Midwestern States.

MC 140586 (Sub-2)X, filed April 3, 1981. Applicant: GOLDEN NORTH VAN LINES, INC., P.O. Box 4-176, Anchorage, AK 99509. Representative: J. M. Stern, Jr., P.O. Box 1672, Anchorage, AK 99510. J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its Sub 1 certificate to (1) broaden the territorial description to King, Kitsap, Snohomish and Pierce Counties, WA, for Seattle and Tacoma, WA; (2) remove the "originating at and destined to" points in AK; and (3) remove a restriction against use of the Alaska Highway.

MC 142059 (Sub-167)X, filed April 1, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address). Applicant seeks to remove restrictions in its lead and Sub-No. 29F to (A) in the lead certificate (1) broaden the commodity description from aluminum, aluminum products and aluminium scrap and material used in the manufacture of aluminum and aluminum products to "metal products", (2) remove "except in bulk", (3) replace plantsite authority with county-wide authority: Grundy County, IL, for a named plantsite in Grundy County, IL, (4) replace one-way authority with radial authority between Grundy County, IL, on the one hand, and, on the other, points in CO, CT, DE, ID, IL, IA, KS, KY, MD, MA, MI, NE, NJ, NY, OH, PA, RI, VA, WV, and DC, (5) eliminate the originating at and destined to restrictions; (B) in Sub-No. 29F (1) broaden the territorial description by removing the restriction against service in interstate commerce; (2) eliminate all exceptions but classes A and B explosives, from "general commodities" (3) eliminate the restriction against service to points in AK, and HI; (4) eliminate the requirement for service in "containers or in trailers, having a prior or subsequent movement by water"; (5) remove the restrictions against the transportation of (a) general commodities (except those requiring special equipment, foods and foods products to Miami, FL, from points in CT, NJ, Chicago, IL, New York, NY and Philadelphia, PA (b) and against size and weight commodities between points in DE, MD, NC, PA, VA, WV, and DC, and between points in 5(b) and points in NJ, and NY.

MC 142835 (Sub-16)X, filed March 30, 1981. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale, FL 33823. Representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, OH 43215. Applicant seek to remove restrictions in its Sub-No. 12F certificate, which authorize the transportation of food and related products, to broaden the territorial description by replacing the named facilities with county-wide authority and changing one-way to radial service: between points in Rockingham County, VA, and Winchester, VA (facilities at Winchester and Timberville, VA), Berkeley County, WV (Martinsburg, WV), Kent County, MI (Kent City, MI), and Lincoln County, NC (Lincolnton, NC), and points in 23 States.

MC 143790 (Sub-12)X, filed March 26, 1981. Applicant: FEDERAL FREIGHT SYSTEM, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. Mahon, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 3, 7 and 9 certificates to (1) broaden the commodity descriptions, from tires, tire tubes, tread rubber and rubber compounds to "rubber and plastic products and chemicals and related products" in Sub-No. 1; from plumbing fixtures, and equipment, materials and supplies (except in bulk) to "clay, concrete, glass or stone products, metal products, and machinery" in the lead; from stoves, ranges, ovens, disposers, dishwashers, garbage compactors, refrigerators, freezers, household appliances, kitchen equipment and parts for the above commodities to "metal products, rubber and plastic products, clay, concrete, glass or stone products, machinery, lumber and wood products, and furniture and fixtures" in Sub-No. 3; from plumber's supplies and materials, enamelware, stoves and stove parts, refrigerators, iron sand, chilled shot, machinery and empty cereal beverage containers to "rubber and plastic products, pulp, paper and related products, clay, concrete, glass or stone products, metal products and machinery and materials equipment and supplies

used in the manufacture and distribution of such commodities" in part (1) of Sub-No. 7; from plumber's supplies and materials and enamelware to "rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery" in part 14 of Sub-No. 7; from stove and stove parts and refrigerators to "metal products and machinery" in parts (15) & (16) in Sub-No. 7; and from plumbing materials and supplies and equipment used in the manufacture and distribution of plumbing materials to "rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery and materials, supplies and equipment used in the manufacture and distribution of such commodities" in Sub-No. 9F, (2) remove the "in bulk" restriction in the lead and Sub-No. 9F, (3) remove the facilities limitation at Memphis, TN and Shelby, OH in Sub-No. 1 and replace Shelby, OH with Richland County, OH (4) replace city with county-wide authority Mansfield and Shelby, OH with Richland County, OH, and Knoxville, TN with Knox County, TN in the lead; Tupelo, MS with Lee County, MS and Mansfield, OH with Richland County, OH in Sub-No. 1, Springfield, TN with Robertson County, TN; Murray, KY with Calloway County, KY; Dalton, GA with Whitfield County, GA; Richmond, IN with Wayne County, IN and Galesburg, IL with Knox County, IL in Sub-No. 3; Mansfield, OH with Richland County, OH in Sub-Nos. 3 and 7 (part 1); and, Mansfield and Shelby, OH with Richland County, OH, and Sub-No. 9, (5) change one-way to radial authority between (a) points in Richland County, OH, and, points in 6 states; points in Knox County, TN, and Richland County, TN in the lead, (b) points in Richland County, OH and, points in 10 states; points in Lee County, MS, and, points in 6 states; points in Memphis, TN, and, points in 6 states; in Sub-No. 1, (c) Nashville and points in Robertson County, TN, and, points in a described portion of the U.S.; points in Calloway County, KY, and, points in a described portion of the U.S.; points in Whitfield County, GA, and, Nashville, TN and Richland County, OH; points in Wayne County, IN, and Knox County, TN, and Nashville, TN; and, points in Richland County, OH, and, points in a described portion of the U.S. in Sub-No. 3, (d) Chicago, IL, and, points in 6 states; points in 5 states, and Detroit, MI, St. Louis, MO and points in 2 states; points in 2 states, and, points in KY in part (14) of Sub-No. 7, (e) St. Louis, MO, Louisville, KY and Detroit, MI, and, points in 2 states, and, points in 8 states; Detroit, MI, and points in FL; Detroit, MI, and points in 9 states; points in 3 states, and, points in 8 states and described portions of 3 states; points in MD, and, points in 8 states and described portion of 2 states; and, points in 2 states, and, points in 3 states and a described portion of MI in part (15) of Sub-No. 7, and (f) St. Louis, MO, and Louisville, KY, and, points in 4 states and 1 VA county; points in 6 states, and, points in 1 WI county, and points in MI; and points in 2 states, and, points in 2 states in Sub-No. 7.

MC 144760 (Sub-5)X, filed March 31, 1981. Applicant: HITTMAN TRANSPORT SERVICES, INC., 2700 Keslinger Road, Geneva, IL 60134. Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 2F and 4F permits to (A) broaden the commodity in each to "hazardous materials and related items" from radioactive wastes, and radioactive shipping containers, and also remove the restrictive language limiting service "in shipper-owned containers transported on shipper-owned trailers" in Sub-No. 2; (B) remove territorial restrictions specifying service originating at and destined to the facilities of a named shipper; and (C) broaden the territorial descriptions to authorized service between points in the U.S., under continuing contract(s) with a named shipper.

MC 145399 (Sub-9)X, filed February 26, 1981, previously noticed in the **Federal Register** of March 17, 1981, republished as corrected this issue. Applicant: SHAY DISTRIBUTING CO., INC., 10180 Beech Avenue, Fontana, CA 92335. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from frozen foods to "foods and related products," (2) broaden its territorial authority from city-wide to county authority and broaden its one-way authority to radial authority, between Los Angeles, CA and points in Orange (Santa Anna, CA) and Riverside (Riverside, CA) Counties, CA, on the one hand, and, on the other, points in the U.S., (3) remove the AK, CA and HI exceptions, and (4) remove the restriction to traffic originating at named facilities in the above cities. The purpose of this republication is to show the correct MC Number to be MC 145399 (Sub-No. 9)X in lieu of MC 145399 (Sub-No. 4)X.

MC 145423 (Sub-6)X, filed March 30, 1981. Applicant: C. VAN BOXELL TRANSPORTATION, INC., 763 South Oakwood, Detroit, MI 48217. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 5F certificates to (1) broaden the commodity description from roofing and roofing materials, roofing products and roofing insulation to "building materials"; (2) delete named facilities; and (3) replace cities with county wide authority: Brookville with Franklin County, IN; Medina with Medina County, OH; and Summit with Cook County, IL.

MC 145491 (Sub-8)X, filed April 3, 1981. Applicant: PIGGYBACK TRANSPORTATION SERVICE, INC., P.O. Box 662, Greenwood, IN 46142. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead and Sub-No. 5F certificate to (1) remove all exceptions other than classes A and B explosives to its "general commodities" authority in both certificates; and (2) remove the restriction to the movement of traffic having a prior or subsequent movement by rail in both certificates.

MC 145726 (Sub-13)X, filed April 1, 1981. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 428 S. Lawrence Street, Montgomery, AL 36104. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, 4F, 5F, 10F, and 11F certificates to (1) broaden the commodity description (a) from meats, meat products and meat by-products, and articles distributed by meat-packing houses, to "food and related products" in Sub-Nos. 1, 4, 10, and 11; (b) from (1) bananas, and (2) agricultural commodities, the transportation of which is otherwise exempt from economic regulation under the provisions of 49 USC Section 10526(a)(6), in mixed loads with (1) above, to "food and related products" in Sub-No. 3; and (c) malt beverages, and material, equipment and supplies used in the manufacture and sale of malt beverages to "food and related products" in Sub-No. 5; (2) eliminate the restriction against the transportation of commodities in tank vehicles, in bulk and hides, in Sub-Nos. 1, 4, 10, 11; (3) authorize county-wide authority for city-wide authority: (a) Montgomery County, AL, for Montogomery, AL, in Sub-No. 1; (b) Cowley County, KS, for St. Clair County, IL, Shelby County, TN, and Caddo Parrish, LA, for Arkansas City, KS, East St. Louis, IL, Memphis, TN, and Shreveport, LA, in Sub-No. 4; (c) Dougherty County, GA for Albany, GA in Sub-No. 5; (d) Talladega County, AL,

for Sylacauga, AL, in Sub-No. 10 and (e) Palm Beach County, FL, for Riviera Beach, FL, in Sub-No. 11; (4) replace one-way authority with radial authority between the counties named above and points throughout the U.S: in Sub-Nos. 1, 3, 4, 10 and 11 and (5) remove the restriction limiting service to shipments "originating at" named facilities in Sub-Nos. 1 and 4.

MC 145993 (Sub-3)X, filed April 3, 1981. Applicant: SUPERIOR ASSEMBLY AND DISTRIBUTION CENTER, INC., 970 East Third Street, Los Angeles, CA 90013. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, N.W., Washington, DC 20036. Applicant seeks to remove restrictions in its lead certificate and Sub-1F permit to (1) change general commodities (with exceptions) to "general commodities, except Classes A and B explosives," in both authorities; (2) expand the territorial authority in its certificate from Los Angeles, CA, to points in Los Angeles, Orange, and Ventura Counties, CA; and (3) remove the restriction in its certificate limiting service to traffic having a prior or subsequent movement by rail.

MC 146314 (Sub-5)X, filed March 30, 1981. Applicant: G & T TRUCKING CO., Route #1, County Road 2 and 35 South, Elko, MN 55022. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Applicant seeks to remove restrictions in its Sub-1F certificate to (1) broaden the commodity description to "metal products, and machinery" from used construction equipment, conveyors, crushers, screens, and sand screws, and (2) remove the restriction limiting service to transportation of traffic originating at and destined to points in the named States.

MC 146674 (Sub-6)X, filed March 5, 1981, previously noticed in the **Federal Register** of March 24, 1981, republished as corrected this issue. Filed March 5, 1981. Applicant: K.I.T. MOTOR EXPRESS, INC., P.O. Box 4004, Louisville, KY 40204. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC 20036. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from transformers, transformer parts, materials and supplies used in the manufacture of transformers and transformer parts, office and plant equipment, and material handling equipment and supplies (except classes A and B explosives and commodities in bulk) to "machinery, metal products, furniture and fixtures and material handling equipment and supplies" (2) broaden the territorial scope to between all points in the U.S., under continuing contract(s) with a named shipper; and (3) remove the exception of service to HI. The purpose of this republication is to show the correct MC number and to be MC 146674 (Sub-6)X, in lieu of MC 141832 (Sub-2)X.

MC 147547 (Sub-15)X, filed March 31, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Road, Lauderdale Industrial park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg,. Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 8F, 9F, 10F, and 11F certificates, and Permit No. MC 143815 and Sub-1, 4F, and 8F, to (1) broaden its commodity descriptions (a) in the lead permit and Sub-1, from composition facing and flooring tile, machinery, materials and supplies used in the manufacture of composition facing and flooring tile (except commodities in bulk, in tank vehicles), and plasticizers, resins, and ground rock filler, to "such commodities as are dealt in or used by manufacturers of facing and flooring materials", (b) Sub-No. 4F permit, from heating equipment, fireplaces, stoves, and incinerators, and parts and accessories for the commodities thereof, to "metal products", (c) Sub-No. 8F permit, part (1), from adhesives, sealants, solvents, stains, and preservatives, to "petroleum, natural gas and their products, and chemicals and related products", and part (3), from carpeting, moldings, and wood trim, to "textile mill products and wood and wood products", (d) Sub-No. 2F certificate, from paper and paper products, to "pulp, paper and related products", and (e) Sub-No. 11F Certificate, from charcoal and charcoal products, and materials, equipment and supplies used in the manufacture and distribution thereof, to "such commodities as are dealt in or used by manufacturers and distributors of charcoal and charcoal products"; and (2) broaden its territorial authority to between points in the U.S. under continuing contract(s) with a named shipper in the lead permit and Sub-Nos. 1, 4F, and 8F.

MC 147594 (Sub-1)X, filed April 2, 1981. Applicant: SUNBIRD TRANSPORT, INC., 990 Washington St., Dedham, MA 02026. Representative: Thomas N. Willess, 1000 16th St., N.W., Suite 502, Solar Bldg,. Washington, D.C. 20036. Applicant seeks to remove restrictions in its lead permit to (1) remove the "expect commodities in bulk" restriction, and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper

MC 149195 (Sub-14)X, filed April 4, 1981. Applicant: ARCADIAN MOTOR CARRIERS, 1100 Sierra Street, P.O. Box 427, Kingsburg, CA 93631. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68510. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3F, 4F, 5F, 6F, 7F, 8F, 9F, 10F, 11F and 12F certificates to (1) broaden the commodity descriptions: from charcoal and charcoal briquettes, lighter fluid, hickory chips and equipment material and supplies to "such commodities used or dealt in by manufacturers and distributors of barbecue products" in Sub-No. 2F; from seat belts and seat belts parts, and materials to "such commodities as are used or dealt in by manufacturers and distributors of automotive products" in Sub-No. 3F; from recreation equipment and sporting goods and materials, equipment and supplies to "such commodities as are used or dealt in by manufacturers and distributors of recreational equipment and sporting goods" in Sub-No. 4F; from grape products and byproducts and commodities otherwise exempt from economic regulation in mixed shipments with those commodities to "food and related products" in Sub-No. 5F; from electronic equipment and parts, accessories, materials and supplies to "such commodities as are used or dealt in by manufacturers and distributors of electronic equipment" in Sub-No. 6F; from malt beverages and materials, equipment and supplies to "alcoholic beverages" in Sub-No. 7F; from labels, bottle filling and labeling machines and materials and supplies to "(1) such commodities as are used or dealt in by manufacturers and distributors of labels and (2) machinery" in Sub-No. 8F; from plastic expanded foam and products and materials, equipment and supplies to "rubber and plastic products" in Sub-No. 9F; from fiberboard to "pulp, paper, and related products" in Sub-No. 10F; from welders, welder parts, welder systems, welding compound and welding supplies and materials and supplies to "such commodities as are used or dealt in by manufacturers of metal articles" in Sub-No. 12F; (2) expand the territorial authority from named points to county-wide authority: Medford, OR to Jackson County, OR in Sub-No. 2F; Fresno, CA to Fresno County, CA, Palmyra, MO to Marion County, MO, and Brownsville, TX to Cameron County, TX in Sub-No. 3F; Sunnyvale, CA to Santa Clara County, CA, El Paso, TX to El Paso County, TX, Wheeling, IL to Cook County, IL and Edison, NJ to Middlesex County, NJ in Sub-No. 6F; Aurora, IL to Kane and Du

Page Counties, IL, Jefferson City, MO to Cole and Calloway Counties, MO, Iola, KS to Allen County, KS, and Topeka, KS to Shawnee County, KS in Sub-No. 10F; (3) delete the facilities restriction in Sub-No. 10F; (4) remove "in bulk" and "in tank vehicle" restrictions in Sub-Nos. 5F and 7F; and (5) authorize radial authority to replace existing one-way service between points in OR, CA, IL, and points in the U.S. or specified portions thereof in Sub-Nos. 2F, 5F, 9F, and 10F.

MC 149518 (Sub-1)X, filed April 4, 1981. Applicant: STRONG MOTOR LINES, INC., P.O. Box 8821, Richmond, VA 23225. Representative: William P. Sullivan, 818 Connecticut Ave., N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead permit to (1) change the commodity description from paint to "chemicals"; from oil to "petroleum, natural gas and their products" and groceries and meat to "such commodities as are dealt in by food business houses" and (2) broaden the territorial description to between points in the U.S. for unnamed shippers.

MC 150281 (Sub-3)X, filed April 7, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan Street, Topeka, IN 46571. Representative: Keith G. O'Brien, 1729 H Street, N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its MC-150281F permit to broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

[FR Doc. 81-11397 Filed 4-14-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier, Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932. *We find* that each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, under either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC-FC-78847. By decision of November 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Ewald A. Demkey d/b/a E D Trucking of Highland, IL of certificate No. MC-119738 (Sub-No. 1) issued May 14, 1978 to Haggard Heavy Hauling, Inc. of St. Louis, MO, authorizing transportation by common carrier over irregular routes, transporting (1) *Heavy machinery, (2) construction materials, (3) commodities the transportation of which because of size or weight require the use of special equipment and related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, and (4) self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith,* between points in Missouri and Kansas. Applicant's representative is: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101, (314) 241-9333.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-11395 Filed 4-14-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44, *Rules Governing Applications Filed By Motor Carrier Under 49 U.S.C. §§ 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rule and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of

publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Dated: April 7, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell. (Board member Krock not participating in MC-F-14601. In MC-F-14603 member Joyce not participating).

MC-F-14599, filed March 17, 1981. CHARLES A. McCAULEY AND LARRY D. McCAULEY (Individuals) (308 Leasue Way, New Bethlehem, PA 16242)—CONTINUANCE IN CONTROL—CHARLES A. McCAULEY, INC. (McCauley, Inc.) (100 Industrial Way, Hawthorne, PA 16230). Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. The individuals seek authority to continue in control of McCauley, Inc., upon the institution by McCauley, Inc., of operations in interstate or foreign commerce, as a motor common carrier. Charles A. McCauley, an individual, is also a motor common carrier, pursuant to certificates issued in MC-115557 and sub-numbers thereunder. In addition, he is a director and secretary-treasurer of McCauley, Inc. Larry D. McCauley is general manager for Charles A. McCauley and controls McCauley, Inc., through stock ownership and through management. McCauley, Inc., was granted authority in Certificate No. MC-150602 (Sub-No. 2), issued March 18, 1981, which authorizes the transportation, as a motor common carrier, over irregular routes, of (1) *general commodities,* between Bridgetown, Cheviot, Covedale, Dent, Homewood, Miami, and Willeys, OH, and Alum Rock, Blairs, Dudley, Jefferson, Ritts, St. Petersburg, Turkey, and Worthington, PA, on the one hand, and, on the other, points in the United States, and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the United States. McCauley, Inc., also has two pending applications, in which it is seeking authority to transport (1) *general commodities* (except Classes A and B explosives), between specified points in NY, PA, and TX, on the one hand, and, on the other, points in the United States; (2) *petroleum and other products* (except in bulk), between Butler County, PA, on the one hand, and, on the other, points in CT, DE, DC, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, and WV; and (3) *general commodities* (with exceptions), between Los Angeles County, CA, and Clarion County, PA, on the one hand, and, on the other, points in the United States. Impediment: Approval and authorization of this transaction is conditioned upon applicants (a) setting forth all duplications, both pending and certificated, between the two carriers and (b) submitting a plan for the elimination of such duplications. See 49 CFR 1134.51.

Note.—McCauley, Inc., is cautioned not to begin operations under MC-150602 (Sub-No. 2), until such time as the common control has been approved.

MC-F-14609, filed March 30, 1980. CALDWELL FREIGHT LINES, INC. (Caldwell) (U.S. Hwy 321 South, P.O. Box 620, Lenoir, NC 29645)—PURCHASE—LENOIR TRANSFER COMPANY, INC. (Lenoir) (U.S. Hwy 32 South, P.O. Box 696, Lenoir, NC 29645). Representative: Charles Ephraim, 406 World Center Bldg., 918-16th Street, NW, Washington, DC 20006. Caldwell seeks authority to purchase the interstate operating rights of Lenoir. A. P. Anderson, Jr., the majority stockholder of Caldwell, seeks authority to acquire control of said rights through the transaction. Caldwell and its majority stockholder presently control Lenoir through stock ownership pursuant to Commission approval in MC-F-13367, corrected decision served October 13, 1978. Caldwell is purchasing those rights contained in Lenoir's certificate No. MC-98039 Sub 4, which authorizes the transportation of: (1) *general commodities* (except those requiring special equipment), (a) between points in Cleveland, Gaston, Mecklenburg, Lincoln, Catawba, Burke, Caldwell, Alexander, Iredell, Wilkes, Surry, Yadkin, Davie, Rowan, Cabarrus, Stanley, Davidson, Forsyth, Guilford, Rockingham and Stokes Counties, NC, (b) between points in Burke, Caldwell and Catawba Counties, NC, on the one hand, and, on the other hand, points in Allegheny, Ashe, Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga and Yancey Counties, NC, and that portion of Caswell County, NC on and west of U.S. Highway 29, the authority granted in paragraphs 1 (a) and 1 (b) above may be tacked or joined by the carrier at points in Burke, Caldwell and Catawba Counties, NC, in order to permit it to provide service between the points authorized in paragraph 1 (a) above, on the one hand, and, on the other, the points specified in 1(b) above, (2) *household goods,* as defined by the Commission, (a) between points in Caldwell, Burke and Catawba Counties, NC, to points in North Carolina on and west of U.S. Highway No. 29, (c) from points in North Carolina on and west of U.S. Highway No. 29 to points in Caldwell, Burke and Catawba Counties, NC. Caldwell has authority to operate as a motor common carrier pursuant to certificates issued in MC-115793 and sub-numbers thereunder.

MC-F-14608, filed March 26, 1981. Applicant: RYDER SYSTEM, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. (Control); RDR, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Ryder System, Inc. seeks authority to continue in control of RDR, Inc. through the ownership of its stock. The interstate operating authority of RDR, Inc. is contained in permits, recently issued in Docket No. MC-149011 (Sub-No. 2F), authorizing the transportation of (1) such commodities as are dealt in by grocery houses and drug stores, from the facilities of Peyton's Southeastern, Inc., at or near Cleveland, TN, to points in AL, AR, GA, IN, KY, MS, MO, NC, OH, SC, TX, VA and WV and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above, from points in AL, AR, GA, IN, KY, MS, MO, NC, OH, SC, TX, VA and WV, to the facilities of Peyton's-Southeastern, Inc., at or near Cleveland, TN, under continuing contracts in (1) and (2) with Peyton's-Southeastern, Inc. (Hearing site: Washington, DC)

MC-F-14605, filed March 25, 1981. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION (Carolina) (P.O. Box 697, Cherryville, NC 28021)—CONTINUANCE IN CONTROL—CARDINAL CONTRACT CARRIERS, INC. (Cardinal) (P.O. Box 471, Cherryville, NC 28021). Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Penn. Ave. and 13th St., NW, Washington, DC 20004. Carolina, a publicly held corporation, seeks authority to continue in control of Cardinal upon the institution by

Cardinal of operations in interstate or foreign commerce. By the same application, C. Grier Beam of Cherryville, NC, the largest shareholder of Carolina joins in the application. Carolina, a common carrier by motor vehicle, is authorized under No. MC-2253 and sub-numbers thereunder. Cardinal, a wholly owned subsidiary of Carolina, has two applications pending in MC-154105 (Sub-Nos. 1 and 2). Sub-No. 1 seeks authority to operate as a contract carrier transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Celenese Corporation and its subsidiaries all of Charlotte, NC. Sub-No. 2 seeks authority to operate as a contract carrier 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.

MC-F-14603, filed March 19, 1981. NORMAN NIELSEN CORPORATION (NNC)—MERGER—KERN VALLEY TRUCKING (Kern); and NORMAN NIELSEN CORPORATION (NNC)—CONTROL AND MERGER—NIELSEN FREIGHT LINES (Nielsen) (all of 1272 Gossage Avenue, Petaluma, CA 94952). Representative: Martin J. Rosen, 256 Montgomery Street, Fifth Floor, San Francisco, CA 94104. NNC seeks authority to merge the interstate operating rights and property of Kern into NNC for ownership, management and operation, and to acquire control of Nielsen through an exchange of stock and subsequently merge the interstate operating rights and property of Nielsen into NNC for ownership, management, and operation. NNC, the surviving corporation, will change its name to Nielsen Freight Lines upon completion of the transactions. Norman J. Nielsen and Gail V. Nielsen control NNC through stock ownership and management, and seek authority to continue in control of the operating rights and properties of Kern and Nielsen through the transaction. They were authorized to commonly control Nielsen and Kern in Docket No. MC-F-13597, served February 12, 1979. Kern operates as a motor common carrier pursuant to authority issued in MC-120918 and sub-numbers thereunder, which authorizes the transportation of general commodities, with exceptions, over regular routes, in CA extending generally from San Diego in the South, to Monterey and San Francisco in the West, to Redding in the North, and to Truckee in the East. Nielsen operates as a motor common carrier under authority issued in MC-73903 and sub-numbers thereunder, which authorizes the transportation of general commodities, with exceptions, over regular routes within that portion of CA in and North of the San Francisco Bay Area. Both carriers operate solely within the State of CA.

MC-F-14601, filed March 13, 1981. LOS ANGELES-YUMA FREIGHT LINES, INC. (Yuma) (P.O. Box 4849, Kofa Station, Yuma, AZ 85364)—PURCHASE (PORTION)—SUNDANCE FREIGHT LINES, INC. (Sundance) (P.O. Box 7676, Phoenix, AZ 85011). Representatives: Harold G. Hernly, Jr., 110 S. Columbus Street, P.O. Box 1281, Alexandria, VA 22313, and William R. Richards, 48 Post Office Place, P.O. Box 2465, Salt Lake City, UT 84110. Yuma seeks authority to purchase a portion of the interstate operating rights of Sundance. Washum Enterprises, Inc., the majority stockholder of Yuma seeks authority to acquire control of said rights through the transaction. Donald L. Washum is the sole stockholder of Washum Enterprises, Inc., and will be required to join in the application as a person in control of Washum Enterprises, Inc. Yuma is purchasing the interstate operating rights which are contained in Certificate No. MC-108461 (Sub-No. 126), issued to Sundance, which rights authorize the transportation, as a motor common carrier, over regular routes, of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), between Yuma and Phoenix, AZ; from Yuma over Interstate Hwy 8 to Gila Bend, AZ, then over U.S. Hwy 80 to Phoenix, and return over the same route, serving all intermediate points between Wellton and Phoenix, AZ, and points within 25 miles of Hyder and Roll, AZ, as off-route points. Yuma is authorized to operate as a motor common carrier pursuant to certificates issued in MC-14045 and sub-numbers thereunder. Condition: Donald L. Washum, the sole stockholder of Washum Enterprises, Inc., must submit an affidavit stating that he is the person in ultimate control of Transferee and that he joins in this application as person in control prior to the issuance of the Effective Notice in this proceeding.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11396 Filed 4-14-81; 8:45 am]

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[Volume No. 10]

Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 58287 (Subs-2 and 4) (M1F) (republication), filed November 6, 1978, published in the **Federal Register** issue of August 14, 1979, and republished this issue. Petitioner: ALL ISLAND DELIVERY SERVICE, INC., 174 Cabot Street, West Babylon, NY 11704. Representative: Edward L. Nehz, P.O. Box 1409, 167 Fairfield, NJ 07006. A Decision of the Commission, Review Board 3, Acting as an Appellate Division, decided January 17, 1980 and finds that the present and future public convenience and necessity require operaitons by the applicant as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities requiring special equipment), (1) between points in Suffolk and Nassau Counties, NY, on the one hand, and, on the other, New York, NY, points in Bergen, Burlington, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, NJ, Rockland and Westchester Counties, NY, and the Philadelphia, PA Commercial Zone as defined by the Commission, and (2) between New York, NY and points in Bergen, Essex, Hudson,

Middlesex, Morris, Passaic, Somerset, and Union Counties, NJ, on the one hand, and, on the other, points in Bergen, Burlington, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, NJ, Rockland and Westchester Counties, NY, and points in the Philadelphia, PA, Commercial Zone as defined by the Commission. Restriction: Service to or from points in Hunterdon, Mercer and Burlington Counties, NJ is restricted against the transportation of traffic having a prior or subsequent movement by air.

MC 71593 (Sub-9)M1 (republication), filed April 28, 1980, published in the **Federal Register** issue of June 16, 1980, and republished, this issue: Petitioner: FORWARDERS TRANSPORT, INC., 1608 E. Second St., Scotch Plains, NJ 07076. Representative: David W. Swenson (same address as applicant). A decision of the Commission, *Review Board 1,* decided October 31, 1980, and served December 1, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities requiring special equipment), between points in Massachusetts, Connecticut, New Jersey, New York, Pennsylvania, Maryland, Illinois, Wisconsin, Tennessee, and Missouri, on the one hand, and, on the other, points in California, Arizona, Nevada, Washington, and Oregon, restricted to the transportation of traffic moving on freight forwarder bills of lading; that petitioner is fit, willing, and able properly to perform the granted service and to conform to the requrements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to modify the scope of authority by adding "between points in New Jersey".

MC 71593 (Sub-16)M1 (republication), filed April 28, 1980, published in the **Federal Register** issue of June 16, 1980, and republished, this issue: Petitioner: FORWARDERS TRANSPORT, INC., 1608 E. Second St., Scotch Plains, NJ 07076. Representative: David W. Swenson, (same address as applicant). A decision of the Commission *Review board 1,* decided October 31, 1980, and served December 1, 1980, finds that the present and future public covenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarded under 49 U.S.C. 10102(8), between points in Connecticut, Illinois, Maryland, Massachusetts, Missouri, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin, on the one hand, and, on the other, points in Colorado, Nevada, and Utah; that petitioner is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code and the Commission's regulations. The purpose of this republication is to modify the scope of authority by adding "between points in New Jersey."

MC 71593 (Sub-22)M1 (republication), filed April 28, 1980, published in the **Federal Register** issue of June 16, 1980, and republished, this issue: Petitioner: FORWARDERS TRANSPORT, INC., 1608 E. Second St., Scotch Plains, NJ 07076. Representative: David W. Swenson, (same address as applicant). A decision of the Commission *Review board 1,* decided October 31, 1980, and served December 1, 1980, finds that the present and future public covenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in Connecticut, Illinois, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania, on the one hand, and, on the other, points in Minnesota and Missouri, and (2) between Kansas City and St. Louis, Mo, restricted in (1) and (2) above to the transportation of traffic moving on freight forwarder bills of lading as defined in 49 U.S.C. § 10102(8) (formerly Section 402(a)(5) of the Interstate Commerce Act); that petitioner is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to modify the scope of authority by adding "between points in New Jersey."

MC 71652 (Sub-41) (republication), filed November 5, 1979, published in the **Federal Register** issue of March 25, 1980, and republished, this issue. Applicant: BYRNE TRUCKING, INC., P.O. Box 1124, Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. A Decision of the Commission, *Division 1,* Acting as an Appellate Division, Commissioners Clapp, Alexis, and Gilliam, decided February 9, 1981 and served February 12, 1981 orders that the proceedings be reopended for further processing, that applicant seeks authority to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, transporting *building materials,* between points in California, Oregon, Washington and Idaho. NOTE: The sole purpose of this application is to subsitute single-line for joint-line operations. Inasmuch as persons not a party to this proceeding and may have relied upon the notice of the application as published and may have an interest in the proceeding to be reconsidered on the basis of the new Act, the notice of the application is being republished to indicate that a decision is to be made in accordance with the provisions of the Motor Carrier Act of 1980. Within 30 days after the date of publication, applicant shall file additional evidence in support of this application. Within 45 days of the date set for the filing by applicant of additional evidence, protestants and any other interested parties shall file evidence or arguments in opposition. Within 15 days of the date set for filing evidence or arguments in opposition, applicant may file rebuttal. Each statement filed with the Commission shall be certified to show that a copy has been served on all parties of record.

MC 82063 (Sub-105) (republication), filed April 24, 1979, published in the **Federal Register** issue of August 30, 1979, and republished, this issue: Applicant KLIPSCH HAULING CO., a corporation, 10795 Watson Road, Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, D.C. 20001. A decision of the Commission, *Review Board 1,* decided May 5, 1980, and served May 12, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting (1) *liquid chemicals,* in bulk, in tank vehicles, from the facilities of Dow Chemical U.S.A., at or near Plquemine, LA, to points in the United

States (except Alaska and Hawaii), and (2) *materials* used in the manufacture and distribution of liquid chemicals, in bulk, in tank vehicles, from points in the United States (except Alaska and Hawaii), to the facilities of Dow Chemical U.S.A., at or near Plaquemine, LA; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

MC 88368 (Sub-27G) (republication), filed June 4, 1974, published in the **Federal Register** issue of August 13, 1975, and republished this issue. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, DC 20036. An Order of the Commission, Entire Commission decided January 26, 1981, and served February 2, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *household goods*, as defined by the Commission, between points in the United States (except Alaska and Hawaii), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. Condition: Issuance of a certificate is conditioned upon the coincidental cancellation, at applicant's request, of all authority it now holds (certificates and letter notices) to transport household goods, except Certificate No. MC–88368 (Sub-No. 7). The purpose of this republication is to indicate applicant's actual grant of authority.

MC 100439 (Sub-9F) (republication), filed June 23, 1980, published in the **Federal Register** issue of August 12, 1980, and republished this issue. Applicant: DAVID W. HASSLER, INC., R.D. #8 York, PA 17403. Representative: Jeremy Kahn, Suite 733, Investment Bldg,. 1511 K Street, NW., Washington, DC 20005. An Order of the Commission, Division 1, decided March 19, 1981, and served March 26, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *lime, limestone, and limestone products*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in Frederick, Clarke, and Shennadoah Counties, VA, on the one hand, and, on the other, points in Delaware, New Jersey, and Pennsylvania, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 106373 (Sub-38) (republication), filed November 17, 1978, published in the **Federal Register** issue of May 31, 1979, republished July 26, 1979, republished July 30, 1979, and republished, this issue. Applicant: THE SERVICE TRANSPORT CO., a corporation, 114½ East Main Street, Ravenna, OH 55266. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. A decision of the Commission, *Division 2*, decided September 17, 1980, and served September 19, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *iron and steel articles*, (1) from Blissfield, Detroit, Marine City, and Monroe, MI, to points in Maryland and New Jersey, those in West Virginia south of U.S. Hwy 50, and those in New York east of a line beginning at Oswego, NY, and extending along New York Hwy 57 to Syracuse, NY, and then along U.S. Hwy 11 to the New York-Pennsylvania State line; (2) between Blissfield, Detroit, Marine City, and Monroe, MI, on the one hand, and, on the other, points in Pennsylvania, Ohio, those in West Virginia on and north of U.S. Hwy 50, and those in New York on and west of a line beginning at Oswego, NY, and extending along New York Hwy 57 to Syracuse, NY and then along U.S. Hwy 11 to the New York-Pennsylvania State line; (3) from Akron, Amherst, Ashtabula, Avon, Birmingham, Bowling Green, Brilliant, Bucyrus, Calcutta, Canton, Cleveland, Columbiana, Conneaut, Costonia, East Liverpool, East Palestine, Elyria, Empire, Fremont, Fostoria, Knoxville, Lodi, Lorain, Lowellville, McDonald, Mansfield, Martins Ferry, Massillon, Mingo Junction, Newton Falls, New Washington, Niles, North Jackson, Painesville, Port Clinton, Port Homer, Ravenna, Salem, Sandusky, Steubenville, Stratton, Struthers, Toledo, Toronto, Vermilion, Warren, Wellsville, Willard, Wooster, Yorkville, and Youngstown, OH, to points in Maryland, New Jersey, those in West Virginia south of U.S. Hwy 50, and those in New York east of a line beginning at Oswego, NY, and extending along New York Hwy 57 to Syracuse, NY, and then along U.S.Hwy 11 to the New York-Pennsyvlvania State line; (4) between the named Ohio points in (3) above, on the one hand, and, on the other, points in Pennsylvania, those in West Virginia on and north of U.S. Hwy 50, and those in New York on and west of a line beginning at Oswego, NY, and extending along New York Hwy 57 to Syracuse, NY, and then along U.S. Hwy 11 to the New York-Pennsylvania State line; (5) from Beech Bottom, Benwood, Bethany, Chester, Follansbee, Hancock, Newell, New Cumberland, Wheeling, Weirton, Wellsburg, and West Liberty, WV to points in Maryland, New Jersey, and those in New York east of a line beginning at Oswego, NY, and extending along New York Hwy 57 to Syracuse, NY, and then along U.S. Hwy 11 to the New York-Pennsylvania State line; (6) between the named West Virginia points in (5) above, on the one hand, and, on the other, points in Ohio (except the named Ohio points in (3) above), Pennsylvania, and those in New York on and west of a line beginning at Oswego, NY, and extending along New York Hwy 57 to Syracuse, NY, and then along U.S. Hwy 11 to the New York-Pennsylvania State line; (7) between Black Rock, Brocton, Buffalo, Clarence Center, Depew, Dunkirk, Fredonia, Hamburg, Jamestown, Lancaster, Lockport, Middleport, Niagara Falls, North Tonawanda, Rochester, Tonawanda, and Wilson, NY, on the one hand, and, on the other, points in Pennsylvania, Ohio (except the named Ohio points in (3) above), and those in West Virginia on and north of U.S. Hwy 50 (except the named West Virginia points in (5) above); (8) between Ellwood City, Erie, New Castle, and Pittsburgh, PA, and points within 30 miles of Pittsburgh, on the one hand, and, on the other, points in Ohio (except the named Ohio points in (3) above), those in West Virginia on and north of U.S. Hwy 50 (except the named West Virginia points in (5) above), and those in New York on and west of a line beginning at Oswego, NY, and extending along New York Hwy 57 to Syracuse, NY, and then along U.S. Hwy 11 to the New York-Pennsylvania State line (except the named New York points in (7) above); and (9) from points in Pennsylvania, Ohio, those in West Virginia on and north of U.S. Hwy 50, and those in New York on and west of a line beginning at Oswego, NY, and

extending along New York Hwy 57 to Syracuse, NY, and then along U.S. Hwy 11 to the New York-Pennsylvania State line, to Flint, Jackson, Lansing, Pontiac, and Saginaw, MI; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to remove restriction.

MC 113388 (Sub-105G) (republication), filled June 4, 1974, published in the **Federal Register** issue of April 30, 1975, and republished this issue. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, DE 19973. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, DC 20036. An Order of the Commission, Entire Commission, decided January 26, 1981, and served February 2, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *frozen foods*, (A) from Dover, DE to points in Florida, Georgia, and South Carolina, (B) from Bridgeville, DE and Exmore, VA to points in Florida, Georgia, Maine, Massachusetts (except Boston and Cambridge), New Hampshire, Rhode Island, South Carolina and Vermont, (C) from Houston, DE, Baltimore, and Princess Anne, MD and points within 15 miles of Princess Anne (not including Salisbury), points in New Jersey, New York and Brockport, NY, and Philadelphia, PA to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia, (D) from Milton, PA, to points in Florida, Georgia, New York, North Carolina, Pennsylvania, and South Carolina and those in Maine north of Maine Highway 25, (E) from the plantsite and warehouse facilities of the Pillsbury Company at/or near East Greenville, PA, to points in Florida, Georgia, and South Carolina; (2) *frozen foods* (except meats), from Wilmington, DE to points in Delaware, Florida, Georgia, Maryland, North Carolina, Pennsylvania, South Carolina, Virginia and the District of Columbia; (3) *processed foods* (except in bulk), from New York, NY, Philadelphia, PA, and, Princess Anne, MD, and points within 15 miles thereof (not including Salisbury) to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia; (4) *frozen fruits, frozen berries, and frozen vegetables*, (A) from points in Delaware, the District of Columbia, Maryland, and those in Virginia on the Delmarva Peninsula to points in Connecticut, Florida, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, and Virginia, (B) from Caribou, ME, and points in Pennsylvania to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and the District of Columbia, (C) from points in New York to points in Connecticut, Florida, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia; (5) *canned goods*, (A)(1) from points in Cecil and Kent Counties, MD, and those in Accomack and Northampton Counties, VA to points in New York, Pennsylvania and Lynchburg, VA and ponts in Virginia on the east of U.S. Highway 1, (2) from points in Worcester, Somerset, Cecil, Kent, Wicomico, Dorchester,

Caroline, Queen Anne, and Talbot Counties, MD, and those in Accomack and Northampton Counties, VA to points in Maine, New Hampshire, and Vermont, (3) from points in Worcester, Somerset, Cecil, Kent, Wicomico, Dorchester, Caroline, Queen Anne, and Talbot Counties, MD, those in Accomack and Northampton Counties, VA and those in Kent and Sussex Counties, DE to points in that part of North Carolina bounded by a line beginning at the Virginia-North Carolina State line and extending south along U.S. Highway 301 to the North Carolina-South Carolina State line, thence west along the North Carolina-South Carolina State line to junction U.S. Highway 321 (near Crowders, NC), thence north along U.S. Highway 321 to Boone, NC, thence north along U.S. Highway 221 to the North Carolina-Virginia State line to the point of beginning, including points on the indicated portions of the highways specified, and Wilmington, New Bern, Kinston, Columbus, Greenville, Wallace, Washington, and Williamston, NC, Columbia and Charleston, SC, Atlanta, Ga, and Jacksonville, Plant City, Wauchula, Miami and Tampa, FL, (B)(1) from points in New Jersey other than those in Atlanta, Burlington, Camden, Cumberland, Gloucester, Mercer, and Salem Counties to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and the District of Columbia, (2) from points in New Jersey to points in Maine, New Hampshire, New Jersey, Vermont, Lynchburg, VA and points in Virginia on and east of U.S. Highway 1, points in that part of North Carolina bounded by a line beginning at the Virginia-North Carolina State line and extending south along U.S. Highway 301 to the North Carolina-South Carolina State line, thence west along the North Carolina-South Carolina State line to junction U.S. Highway 321 (near Crowders, NC), thence north along U.S. Highway 321 to Boone, NC, thence north along U.S. Highway 221 to the North Carolina-Virginia State line to the point of beginning, including points on the indicated portions of the highways specified and Wilmington, New Bern, Kinston, Columbus, Greenville, Wallace, Washington, and Williamston, NC, Columbia and Charleston, SC, Atlanta, GA, and Jacksonville, Plant City, Wauchula, Miami and Tampa, FL, (C) from New York, NY, Baltimore, MD, Philadelphia, PA and Dunn, NC to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont and the District of Columbia, Lynchburg, VA, and points in Virginia on the east of U.S. Highway 1, points in that part of North Carolina bounded by a line beginning at the Virginia-North Carolina State line and extending south along U.S. Highway 301 to the North Carolina-South Carolina State line to junction U.S. Highway 321 (near Crowders, NC), thence north along U.S. Highway 321 to Boone, NC, thence north along U.S. Highway 221 to the North Carolina-Virginia state line to the point of beginning, including points on the indicated portions of the highways specified and Wilmington, New Bern, Kinston, Columbus, Greenville, Wallace, Washington, and Williamston, NC, Columbia and Charleston, SC, Atlanta, GA, and Jacksonville, Plant City, Wauchula, Miami and Tampa, FL, (D) from the plantsite and warehouse facilities of the Pillsbury Company at or near East Greenville, PA to Columbia and Charleston, SC, Atlanta, GA, and Jacksonville, Plant City, Wauchula, Miami, and Tampa, FL; (6) *canned vegetables and canned fish*, from Baltimore, MD, Points in Caroline, Cecil, Dorchester, Kent, Queen Anne, Talbot, Somerset, Wicomico and Worcester Counties, MD, those in Kent and Sussex Counties, DE, and those in Accomack and Northampton Counties, VA to points in Georgia, North Carolina, and South Carolina; (7) *such merchandise* as is dealt in by wholesale, retail and chain

grocery and food business houses, except in bulk, (A) from New York, NY, to points in Sussex and Kent Counties, DE and those in Caroline, Dorchester, Kent, Queen Anne, Somerset, Talbot, Wicomico and Worcester Counties, MD, (B) from Philadelphia, PA to points in Sussex and Kent Counties, DE and those in Caroline, Dorchester, Queen Anne, Somerset, Talbot, Wicomico and Worcester Counties, MD; (8) *such commodities* as are used in or incidental to the preparation, packing, and shipment of canned, frozen, and processed foods, except in bulk, from points in Connecticut, Delaware, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia to points in Sussex and Kent Counties, DE and those in Caroline, Dorchester, Queen Anne, Sommerset, Talbot, Wicomico and Worcester Counties, MD; (9)(A) *meats, meat products, dairy products, and articles distributed by meat packing houses* as described in Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, excluding those articles not fit for human consumption, from Philadelphia, PA, to points in Sussex and Kent Counties, DE and those in Caroline, Dorchester, Queen Anne, Somerset, Talbot, Wicomico and Worcester Counties, MD, (B) those *frozen foods* which are *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses* as described in Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Philadelphia, PA, to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia, (C) those *processed foods,* except in bulk, and *canned foods* which are *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses* as described in Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Philadelphia, PA to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, (D) *such meats, meat products, meat by-products, and articles destributed by meat packing houses,* as described in Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, as are used in, or incidental to the preparation, packing, and shipment of canned, frozen, and processed foods, except in bulk, from points in Connecticut, Delaware, Massachusetts, New York, Pennsylvania, Rhode Island, Virgninia, Maryland, and the District of Columbia to Philadelphia, PA; (10) *general commodities,* except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious and contaminating to other lading, from Baltimore, MD, Long Island City, NY, and points in New Jersey to Wilmington, DE, Chester, Marcus Hook, and Philadelphia, PA, Newark and Jersey City, NJ, New York, NY, and Baltimore, MD; (11) such *frozen foods* as are used in or incidential to the preparation, packing, and shipment of canned, frozen, and processed foods, except in bulk, (A) from points in Connecticut, Delware, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, Maryland, and the District of Columbia, to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and Virginia, (B) from points in Connecticut, Delaware, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, Maryland, and the District of Columbia to points in Maine, New Hampshire, and Vermont, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 113678 (Sub-669) (M1)F, (republication of notice of filing of petition for modification of certificate), filed June 10, 1980, published in the **Federal Register** issue of July 28, 1980, and republished this issue. Petitioner: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shanner, P.O. Box 14004, Stockyards Station, Denver, CO 80216. A decision of the Commission, Review Board Number 3, decided January 21, 1981, and served March 11, 1981, finds that the present and future public convenience and necessity require modification of Certificate No. MC-113678 Sub 669 (M1)F, issued June 22, 1979, authorizing transportation, over irregular routes, of (A)(1) *foodstuffs,* (2) *pharmaceutical materials, supplies and products,* (3) *chemicals,* (4) *alcoholic beverages,* (5) *tobacco products,* (6) *pet foods,* and (7) *such commodities as are dealt in by distribution or consolidation warehouses* (except commodities in bulk), (a) between Denver, CO, on the one hand, and, on the other, points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii), and (b) between Albuquerque, NM, on the one hand, and, on the other, points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii), and (B) *foodstuffs* (except commodities in bulk), between Laramie, WY, on the one hand, and, on the other, points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii). Petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to reflect applicant's actually grant of authority.

MC 113828 (Sub-254F) (republication), filed March 13, 1978, published in the **Federal Register** issue of March 23, 1978, and republished this issue. Applicant: O'BOYLE TANK LINES, INC., 5320 Marinelli Road, Rockville, MD 20852. Representative: William P. Sullivan, 818 Connecticut Avenue, Washington, D.C. 20006. An Order of the Commission, Division 2, decided February 13, 1981, and served February 25, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transporting commodities in bulk, between points in the United States (except Alaska and Hawaii), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate application's actual grant of authority.

MC 125433 (Sub-342) (republication), filed October 9, 1979, published in the **Federal Register** issue of March 25, 1980, and republished, this issue. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). A decision of the Commission, *Review Board 3,* decided September 29, 1980, and served October 27, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes,

as a *common carrier*, by motor vehicle, transporting *commodities dealt in or used by manufacturers of heating and cooling systems* (except in bulk), between points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at or destined to the facilities, warehouses, distribution centers, deales, and repair centers of Lennox Industries, Inc.; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

MC 143433 (Sub-11) (republication), filed September 6, 1979, published in the **Federal Register** issue of March 5, 1980, and republished, this issue. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING CO., 310 S. First Avenue, Stroud, OK 74079. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. A decision of the Commission, *Review Board 1*, decided August 20, 1980, and served August 28, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *Common carrier*, by motor vehicle, transporting *foodstuffs* (except in bulk), between Columbus, OH, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Indiana, Michigan, Wisconsin, Minnesota, Illinois, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, Colorado, New Mexico, Arizona, Utah, Nevada, and California; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to show service at points in "Michigan", in lieu of points in "Montana".

MC 146293 (Sub-7) (republication), filed March 19, 1979, published in the **Federal Register** issue of July 9, 1979, and republished, this issue. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park, Circle, N.E., Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. A decision of the Commission, *Review Board 2*, decided March 14, 1980, and served April 28, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *chemicals*, and *cleaning* and *sanitation materials, equipment*, and *supplies* (except commodities in bulk), from Atlanta, GA, to points in the United States (except Alaska, Hawaii, and Georgia); that applicant is fit, willing, and able property to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

MC 147939 (Sub-2F) (2nd republication), filed October 5, 1979, published in the **Federal Register** issue of February 26, 1980, and December 1, 1980, and republished this issue. Applicant: CHARLOTTE VAN & STORAGE COMPANY, INC., P.O. Box 3544, Charlotte, NC 28203. Representative: Frank E. Watson, III, P.O. Box 3544, Charlotte, NC 28203. An Order of the Commission, Division 2, decided February 27, 1981, and served March 12, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting *new furniture and furnishings* from points in North Carolina to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, Rhode Island, Tennessee, Vermont, and South Carolina, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate appliant's actual grant of authority.

Motor Carrier Intrastate Application(s) Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket T-1387, Filed March 6, 1981. Applicant: ATKINSON BROTHERS, INC., P.O. Box 448, Albany, NY 12201. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Albany, Schenectady, Rensselaer and Montgomery. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket T-9862, filed March 6, 1981. Applicant: W & M DELIVERIES, INC., 1024 Lackawanna Ave., Elmira, NY 14901. Representative: Merle Sinko, 1024 Lackawanna Ave., Elmira, NY 14901. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities—Between all points in the Counties of Chemung and Steuben. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11398 Filed 4-14-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-82]

Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof; Issuance of Exclusion Order

AGENCY: U.S. International Trade Commission.

ACTION: Issuance of exclusion order.

SUMMARY: On April 8, 1981, the Commission issued its Action and Order in the above-captioned investigation. The Commission ordered that multi-ply headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof, that infringe claims 1, 12, 15, 16, or 22 of U.S. Letters Patent RE 28,269 and claims 4, 5, or 6 of U.S. Letters Patent 3,923,593 be excluded from entry into the United States for the remaining terms of said patents, except under license.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 8, 1980 (45 FR 23832) to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in connection with the importation into the United States and the sale therein of certain headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof. On March 23, 1981, the Commission determined (Commissioner Stern dissenting) that there is a violation of section 337 in the unauthorized importation and sale of multi-ply headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof, which are produced in accordance with claims 1, 12, 15, 16, and 22 of U.S. Letters Patent RE 28,269 and claims 4, 5, and 6 of U.S. Letters Patent 3,923,593. Having determined (Commissioner Stern not voting) that public interest considerations do not preclude relief in this case, the Commission also determined (Chairman Alberger dissenting and Commissioner Stern not voting) that the appropriate remedy is an order directing that the infringing articles be excluded from entry into the United States for the remaining terms of the aforesaid patents, except under license by the patent owner.

Copies of the Commission's Action and Order and any other public documents on the record of this investigation are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Phyllis N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0321.

By order of the Commission.

Issued: April 8, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-11407 Filed 4-14-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Termination of Investigation as to One Respondent and of Addition of Another Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation as to respondent Ashlow Steel & Engineering Co., Ltd., and addition of Ashlow Ltd. as a party respondent in the above-captioned investigation.

SUMMARY: Notice is hereby given that on the basis of a motion filed by Ashlow Steel & Engineering Co., Ltd., and agreed to by complainant Morgan Construction Co. (Concurrence 2-13-81), the Commission has granted Motion 97-1 to terminate the above-captioned investigation as to respondent Ashlow Steel & Engineering Co., Ltd. Notice is also given that the Commission has granted complainant's motion, designated as Complementary Motion to Respondent's Motion 97-1, to add Ashlow Ltd. as a party respondent in investigation No. 337-TA-97.

AUTHORITY: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.22 (19 CFR 210.22) and 210.51 (19 CFR 210.51) of the Commission's Rules of Practice and Procedure.

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by Morgan Construction Co., the Commission instituted investigation No. 337-TA-97 on January 23, 1981, to determine whether there is a violation of section 337 of the Tariff Act of 1930 by reason of the importation into and sale in the United States of certain steel rod treating apparatus and components thereof. Complainant Morgan alleges that the accused steel treating apparatus infringes claims 1-7 of U.S. Letters Patent 3,390,871. Notice of the Commission's investigation was published in the **Federal Register** on January 28, 1981 (46 FR 9263).

On February 13, 1981, respondent Ashlow Steel & Engineering Co., Ltd. moved that it be dismissed as a party respondent in the above-captioned proceeding, (Motion 97-1). Complainant agreed to the dismissal in a concurrence filed on February 24, 1981. Complainant further moved that Ashlow Ltd. be added as a party respondent (Complementary Motion to Respondent's Motion 97-1).

On March 12, 1981, Motion 97-1 and Complementary Motion 97-1 were certified to the Commission by the presiding officer, who recommended that both motions be granted.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission; telephone 202-523-0143.

By order of the Commission.

Issued: April 6, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-11409 Filed 4-14-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 751-TA-3]

Potassium Chloride From Canada; Determination

Determination

Based on the record developed in investigation No. 751-TA-3, the Commission determined, pursuant to section 751 of the Tariff Act of 1930, that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of the merchandise covered by antidumping order, T.D. 69-265, on potassium chloride from Canada, if the order were to be modified or revoked.

Background

On December 11, 1980, the U.S. International Trade Commission instituted investigation No. 751-TA-3 under section 751 of the Tariff Act of 1930, Notice of the investigation was published in the **Federal Register** on December 17, 1980 (45 FR 83037). The purpose of the investigation was to determine whether an industry in the United States would be materially injured or would be threatened with material injury, if the antidumping finding concerning potassium chloride from Canada were revoked.[1]

[1]The statute also provides for review of whether the establishment of an industry in the United

Continued

In November 1969, the Commission determined that an industry in the United States was being injured by reason of imports of potassium chloride from Canada that were being, or were likely to be, sold at less than fair value, within the meaning of the Antidumping Act, 1921. The Department of Treasury published a finding of dumping in the **Federal Register** on December 19, 1969 (34 FR 19905). On August 1, 1980, an application for review of the Commission's prior determination was filed with the Commission by Texasgulf Inc., the only Canadian producer of potassium chloride that remained subject to the antidumping finding. Each of the other producers of potassium chloride in Canada had been excluded from the antidumping order, after demonstrating that no less-than-fair-value sales had been made for at least two years, and after providing "assurances" that future sales would not be less than fair value.

No hearing was held in connection with this investigation. According to the Rules of Practice and Procedure, the Commission must render its determination within 120 days after institution, or in this case, by April 9, 1981.

In arriving at its determination, the Commission has given due consideration to the information provided by the administering authority, to all written submission from interested parties, and to the information obtained by the Commission's staff from questionnaires, personal interviews, and other sources. All of the above have placed in the administrative record of this investigation.

Views of the Commission

Introduction

On December 11, 1980, the U.S. International Trade Commission instituted investigation No. 751-TA-3, on potassium chloride [2] from Canada, under section 751 of the Tariff Act of 1930, as amended. On the basis of the record developed in the investigation, the Commission has determined, pursuant to section 751, that an industry in the United States would not be materially injured, or would not be threatened with material injury,[3] by from Canada, if T.D. 69-265, the antidumping order covering such imports, were to be modified or revoked.

The domestic industry has changed dramatically since 1969.[4] The antidumping order on potassium chloride, entered in 1969, now covers only one producer, Texasgulf Inc. (Texasgulf); the administering authority has already revoked the order as to all other Canadian producers of potassium chloride.[5] Moreover, no domestic producer opposed Texasgulf's petition for review of the order, and none sought a hearing or filed comments to air any concerns.[6] In short, we are presented with an order that has outlived its usefulness.

This is the first case decided under the Commission's new rules governing section 751(b) investigations. 19 CFR 207.45, 46 FR 18022 (March 23, 1981). The new rules implement four major changes. First, they set forth procedures specifically applicable to section 751(b) investigations. 19 CFR 207.45(b). The old rule had simply adopted the procedures set forth in subpart C for 120-day investigations. The new producers clarify the fact that the Commission has two distinct determinations to make in every section 751(b) investigation. The Commission must initially determine whether the request shows changed circumstances sufficient to warrant the institution of a review investigation. 19 CFR 207.45(b)(3). Upon publication in the **Federal Register** of the notice of institution of a section 751(b) investigation, the Commission proceeds to the determination of whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded,[7] by reason of imports of the merchandise covered by the antidumping order if the order were to be modified or revoked. *Id.;* 19 CFR 207.45(a). Second, the new 19 CFR 207.45(a) states the focus of the investigation in the affirmative rather than the negative. The Commission is directed to determine if the requisite injury would result from revocation of an order, rather than to determine if such injury would not result. Third, the new rules enunciate a causation element. The Commission must determine that the requisite injury is "by reason of imports of the merchandise covered" by the order under review. 19 CFR 207.45(a). Lastly, the new § 207.45(a) adds material injury to the threat of material injury and the material retardation of the establishment of a U.S. industry, as the bases for the determination concerning the modification or the revocation of an order.

Background

In August 1969, the Department of the Treasury determined that imports of potassium chloride from Canada were being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921.[8] In November of that year, the U.S. Tariff Commission determined that an industry in the United States was being injured by reason of such imports.[8] The Treasury Department subsequently published the dumping finding on potassium chloride from Canada (T.D. 69-265) in the **Federal Register** on December 19, 1969. 34 FR 19905. U.S. Borax & Chemical Co. alone was exempted from that finding. Texasgulf became subject to the order in 1970, when it began producing potassium chloride in Canada for exportation to the United States. Today, Texasgulf is the only Canadian producer that remains subject to the order. All other Canadian producers were excluded from the antidumping order, T.D. 69-265, after Treasury or Commerce [10] determined that the sales of each firm had not been made at LTFV for at least 2 years, and after the appropriate agency received "assurances" from each firm that future sales of potassium chloride to the United States would not be made at LTFV.[11] See 19 CFR 153.44 (1980); 19 CFR 353.54 (1980).

On August 1, 1980, Texasgulf filed an application for review of the Commission's 1969 determination on the theory that no injury would result if the order were to be revoked. The Commission voted to institute a review

States would be materially retarded; however, that was not an issue in this case.

[2] Potassium chloride is provided for in TSUS item 480.50.

[3] Since there are 8 domestic producers of potassium chloride, the prevention of establishment of a domestic industry is not an issue. Consequently, it is not reflected in the Commission's determination language and will not be discussed further in the specific context of this investigation.

[4] Commission Report, especially at A-9.

[5] For a list of the excluded firms, see the staff report to the Commission on investigation No. 751-TA-3, Potassium Chloride from Canada, at A-1 (Mar. 16, 1980) (hereinafter referred to as "Commission Report").

[6] All U.S. producers completed the Commission's questionnaires, but did not otherwise participate in the investigation.

[7] See n. 2 on p. 3.

[8] 19 U.S.C. 160 (repealed by § 106 of the Trade Agreements Act of 1979).

[9] Under the Antidumping Act, 1921, the determination that the Commission was required to make was "whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of . . . [LTFV] merchandise into the United States." 19 U.S.C. 160.

[10] Responsibility for the administration of the antidumping laws was transferred from Treasury to Commerce on Jan. 2, 1980, pursuant to Executive Order No. 12188 (Jan. 2, 1980).

[11] For a list of the excluded firms, see Commission Report at A-1.

investigation on December 11, 1980, covering all producers of potassium chloride from Canada that had not previously been excluded from the order. 45 FR 83037 (December 17, 1980).[12] As Texasgulf is the only producer so situated, imports of potassium chloride by Texasgulf are the only imports at issue in this investigation.

On February 6, 1980, PPG Industries Canada Ltd., Kalium Division (Kalium), formally requested that the Commission expand the scope of the investigation to include all imports of potassium chloride from Canada. Kalium is a Canadian producer of potassium chloride that had previously been excluded from the antidumping order. Its petition was premised on the assumption that Canadian producers previously excluded from the purview of T.D. 69-265 after providing Treasury or Commerce with assurances, nonetheless, remained subject to the order. Kalium posited that the exclusion from the order "with assurances" was not a revocation, but rather a conditional revocation of the order. The Department of Commerce informed the Commission staff that Kalium's premise was not correct. Commerce considers the exclusion of a company from an antidumping order, based on the absence of LTFV sales and pricing assurances, to be a revocation of the order as to that company, i.e., a partial revocation of the order. See 19 U.S.C. 1675(c) (1980). In its view, the absence of LTFV sales and the assurances are preconditions for qualification for a revocation, and no more. Commerce does not distinguish between an exclusion with assurances and a revocation.[13] In light of the information provided by Commerce, Kalium's arguments and concerns became moot. Accordingly, the Commission denied Kalium's request to expand the scope of the investigation. 46 FR 16158 (Mar. 11, 1981). Expressing concurrence with the Commission's decision, Kalium subsequently withdrew its objections to Texasgulf's request.[14]

During 1970-74, Treasury assessed dumping duties equivalent to 0.2 percent of the value of Texasgulf's imports of potassium chloride.[15] Texasgulf paid these duties under protest. No dumping margins have been calculated for the period 1975 to the present, due to Texasgulf's challenge of a masterlist of price comparisons on which antidumping duties would have been based.

On November 20, 1979, Texasgulf filed an application with Treasury for a revocation of the dumping order as to Texasgulf, based on the absence of LTFV sales for at least 2 years. The application was passed on to the Department of Commerce of January 2, 1980. To date, no action has been taken by Commerce on Texasgulf's petition, in part because of the difficulty of determining the accurate margin of dumping for Texasgulf's sales.[16] Commerce plans to complete a review of all outstanding issues concerning Texasgulf's import prices of potassium chloride by December 31, 1981. Until then, additional information from Commerce on Texasgulf's dumping margins will not be available.

Analysis

The Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930, as amended,[17] defines the term "industry" to mean the domestic producers of a "like product." Section 771(10),[18] in turn, defines the term "like product" as "a product which is like, or in the absence of like, most similar in characteristics and uses with the articles subject to an investigation."

Potassium chloride, the imported product under review in this investigation, is a chemical compound that is extracted and purified from mineral deposits. It is refined into a number of grades, the major grades being granular, coarse, standard, soluble, and chemical. Texasgulf exports all major grades of potassium chloride from Canada to the United States. The domestically-produced grades are identical to the comparable imported grades under investigation.[19]

Approximately 94 percent of the potassium chloride consumed in the United States is used as fertilizer. The remainder is used to make chemical compounds essential in the manufacture of glass, matches, soaps, medicines, detergents, insecticides, chinaware, solid rocket fuel, and animal feed. All grades except the chemical grade are used in fertilizer. The chemical grade is used to produce other chemicals that are used in the ceramics and chemicals industries. Small quantities of standard and soluble grades are used for industrial purposes.

As imported and domestic potassium chloride are in fact identical products, the Commission determines that the domestic product is like the import; thus, the appropriate domestic industry under consideration in this investigation consists of the domestic producers of potassium chloride. The industry consists of eight producers[20] operating nine facilities in the United States. More than 80 percent of the U.S. production occurs in the Carlsbad, New Mexico area.

Material Injury

Section 751(b) provides no explicit criteria for the analysis of the presence of material injury, or the threat thereof. However, analysis of the statute, the legislative history, past Commission practice and relevant international agreements[21] suggests an appropriate basis for review.[22] While there is no cross-reference to section 771(7)[23] in section 751(b), the Commission has

[12] The Commission did not make a formal finding of "changed circumstances sufficient to warrant a review" at this time, as the old rule was in effect and did not require it. However, such a finding is implicit in the Commission's decision to institute the investigation.

[13] The Department of Commerce explained its interpretation of the assurance agreements related to this investigation at a meeting on Feb. 13, 1981, attended by the Director of Compliance, International Trade Administration; a representative of the Office of the General Counsel, Import Administration (ITA); Department of Commerce; a representative of the Office of the General Counsel, U.S. International Trade Commission; and a representative of the Office of Investigations, U.S. International Trade Commission.

[14] Submission of PPG Industries Canada Ltd., Kalium Div. and PPG Industries, Inc. Modifying Their Views Which Were Presented On Feb. 6, 1981 in Response to the Commission's Federal Register Notice of Dec. 17, 1980 (45 Fed. Reg. 83037-38) (Mar. 4, 1981).

[15] For more detailed information on Texasgulf's history of antidumping duty assessment, see app. C to Texasgulf's petition; Commission Report at A-5, A-6.

[16] *Id.*

[17] 19 U.S.C. 1671(4)(A) (1980).

[18] 19 U.S.C. 1671(10) (1980).

[19] In addition, Chairman Alberger and Commissioner Calhoun base their determinations of the like product on the following factors. Both imported and domestically-produced potassium chloride, regardless of grade, have the same chemical formula (a fact which is useful in comparing the characteristics of inorganic chemicals). Furthermore, during the years 1978-1980, not less than 95 percent of each year's imports of potassium chloride from Canada was used as fertilizer. During the same period, not less than 91 percent of each year's domestic production of potassium chloride was so used. Moreover, no evidence on the record warrants differentiating the like product on the basis of grade.

[20] For the names of the 8 producers, the type of each operation and the year that each began operation, See Commission Report, Table 3 at A-10.

[21] The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (the Antidumping Code) and the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (the Subsidies Code) are implemented, in part, by sections of subtitles B and C of Title VII of the Tariff Act of 1930, as amended.

[22] See Electric Golf Cars From Poland, Investigation No. AA1921-147A (Review) (1980), for a more thorough analysis of the appropriate basis for review.

[23] 19 U.S.C. 1677(7) (1980).

found that the factors enumerated in section 771(7) are relevant to the determination of injury under section 751(b) as well.[24]

Section 771(7) directs the Commission, when assessing material injury, to consider, among other factors, (1) the volume of imports of the merchandise which is the subject of the investigation; (2) the effect of imports of that merchandise on prices in the United States for like products; and (3) the impact of imports of such merchandise on domestic producers of like products.

The volume of imports.—Imports have accounted for an increasing share of U.S. consumption of potassium chloride. This share increased from 12 percent of consumption in 1962 to 81 percent in 1980. Imports from Canada accounted for more than 94 percent of total imports each year during 1970–80. Imports of potassium chloride from Canada, as a share of apparent U.S. consumption, have risen accordingly, from 56 percent in 1970 to 78 percent in 1980.

Potash reserves are located in only 16 countries. Canada and the U.S.S.R. possess the largest potash reserves, accounting for 41 percent and 37 percent of all reserves, respectively. Reserves in the United States are dwarfed by comparison, accounting for only 0.4 percent of worldwide reserves. As the U.S. recoverable reserves continue to decrease in quantity and quality, the United States will be increasingly dependent upon imports, with or without the imposition of dumping duties.

Texasgulf accounted for less than 5 percent of total Canadian production during 1979–80. Its share of apparent U.S. consumption was correspondingly small. While Texasgulf's production in Canada is expected to increase slightly during the 1980's its share of U.S. consumption will probably decrease as U.S. consumption continues to expand at a faster rate than that of Texasgulf's production.

Effect of Imports on Domestic Prices.—U.S. producers' prices of potassium chloride have increased rapidly since the Commission's 1969 injury determination. According to the U.S. Producer Price Index,[25] using 1960 as the base year (1960 = 100), prices increased from 62 in 1969 to 99 in 1973. Prices jumped in 1974 to 129, and continued to dramatically increase until they reached 240 in 1980. The rise in prices in the early 1970's can be attributed, in part, to the 1969 antidumping order, and the subsequent imposition of base prices, production quotas and restrictive taxes by the Saskatchewan government.[26] However, the dramatic increases seen in the last part of the decade were primarily due to the dramatic increase in world food prices at that time. The price of fertilizer is in large part governed by the demand for and the price of crops; U.S. farmers' fertilizer expenses are related to their cash receipts from crop marketings. The massive world crop failure in the mid-1970's and the resultant food shortage forced a dramatic increase in the price of food, and created an increased worldwide demand for fertilizer. Since that time, demand for fertilizer has remained strong, and the price of potassium chloride has continued its upward spiral. During the past 3 years, prices increased by 71 percent.

As the share of U.S. consumption held by Canadian imports is so great (78 percent), the supply and price of potassium chloride from Canada have a large and increasing influence on the U.S. market and producer's prices. However, this influence has proved to be beneficial to U.S. producers, as the Saskatchewan government's regulation of the industry has kept the price of Canadian potassium chloride high. There is no reason to believe that the provincial government will change its policies regarding the potassium chloride industry if the antidumping order is revoked.

Furthermore, Texasgulf's imports, the only imports that are the subject of this review, represent but a nominal share of U.S. consumption. With such a small market share. Texasgulf does not have the ability to affect the overall market price of potassium chloride. Even if Texasgulf did set prices at LTFV, it would not be able to force other producers, domestic or foreign, to meet its prices. As Texasgulf's market share is delineated by the size of its reserves, and it has no other known reserves, it is highly unlikely that Texasgulf's position in the market will appreciably change.

The Commission collected data from all Canadian and U.S. producers on their f.o.b. prices of coarse-grade potassium chloride to both small accounts and national accounts.[27] The prices of course-grade potassium chloride, which accounted for 39 percent of U.S. potassium chloride consumption in 1979, is representative of the prices of all potassium chloride grades.[28] These data indicate that for each quarter from January 1978 to September 1980, the f.o.b. prices charged by all Canadian producers, including Texasgulf, were either lower than, or on the low end of, the range of prices charged by the U.S. producers located in Carlsbad, New Mexico.

When compared to the prices charged by other Canadian producers, the prices charged by Texasgulf were, in all but one instance, greater than or within the range of prices at which the other Canadian producers sold coarse grade potassium chloride.

The Commission's staff calculated that the weighted average cost of transportation of U.S.-produced potassium chloride to the U.S. producers' domestic customers is 15 percent lower than the weighted average cost of transportation of the Canadia product to the Canadian producers' U.S. customers. Accordingly, when the U.S. producers' transportation advantage is taken into consideration, the delivered prices of the Canadian product may actually be higher than the delivered price of the U.S. product.[29]

The Impact of Imports on Domestic Producers.—Section 771(7)(c) of the Trade Agreements Act of 1979 instructs the Commission to examine, with respect to the impact of imports on the domestic industry, all relevant economic factors including, but not limited to, actual and potential decline in output, sales, market share, profits, productivity, return on investments, utilization of capacity, factors affecting domestic prices, and actual and negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment. The Commission received questionnaire responses on the above-mentioned factors from firms believed to account for all U.S. production and shipments of potassium chloride.

The level of U.S. production has not significantly changed since 1971, despite the declining quantity and quality of U.S. reserves. U.S. producers' shipments similarly have remained stable since 1971. U.S. producers' share of apparent U.S. consumption decreased from 37 percent to 19 percent during the period, reflecting the fact that U.S. consumption of potassium chloride increased by more than 50 percent during the period, from 4.3 million short tons of potassium *oxide*

[24] Electric Golf Cars From Poland, investigation No. AA1921-147A (Review) (1980).

[25] Prepared by the U.S. Dept. of Labor, Bureau of Labor Statistics.

[26] Commission Report at A-17-A-21, A-33.

[27] Small accounts include U.S. customers which purchase less than 500 short tons of potassium chloride a year. National accounts include U.S. customers which purchase more than 15,000 short tons a year.

[28] The price fluctuations for all grades of potassium chloride parallel each other. The coarse grade was chosen as the representative sample because consumption of coarse grade is the largest.

[29] Commission Report at A 36-A-42.

(K_2O)[30] in 1971 to 6.5 million short tons K_2O in 1980. According to market experts,[31] U.S. producers' share of consumption will continue to decrease in the 1980's as U.S. consumption continues to increase and the quantity and quality of U.S. reserves continue to decline.[32]

Although U.S. production capacity has followed a general pattern of decline since 1966, it increased slightly between January 1976 and November 1980. The increase is due to the expansion and modernization of existing potassium chloride facilities, not the result of the development of new reserves. No new mines have been opened in the United States since 1965, as no now commercially exploitable deposits have been discovered. Market experts predict that U.S. production this decade will decrease to one-half its current level, because of the declining quality of domestic ore and because of the decreasing quantity of recoverable reserves.[33]

Utilization of productive capacity remained above 90 percent from January 1976 to November 1980, and three producers reported that their plants were running at 100 percent of capacity during the period.[34]

U.S. producers' yearend inventories of potassium chloride decreased irregularly from 542,000 short tons K_2O in 1975 to 205,000 short tons K_2O in 1980. Inventories as a share of U.S. producers' shipments decreased from 30.7 percent in 1975 to 10.3 percent in 1980. The decrease indicates that U.S. producers have been able to rapidly turn over the bulk of their production.

The average number of production and related workers engaged in the production of potassium chloride in the United States increased steadily from 2,305 in 1976 to 2,558 in January–November 1980, an increase of 11.0 percent. The number of hours worked by such workers showed a similar increase, and the workers' wages increased from an average of $6.77 per hour in 1976 to $9.60 per hour in January–November, 1980.

U.S. producers of potassium chloride reported substantial and increasing profits on their potassium chloride operations. Net operating profits increased from $21.8 million in 1977 to $37.9 million in 1979, an increase of 74 percent. Profits increased again, by 88 percent, from $33.8 million in January–November, 1979, to $63.4 million during the corresponding period in 1980. The ratio of net operating profit to net sales increased from 13.0 percent in 1977 to 24.5 percent during January–November, 1980. The ratio of net operating profit to book value of fixed assets showed a similar trend, increasing from 13.5 percent in 1977 to 35.8 percent during January–November, 1980. The dramatic rise in U.S. producers' profits can be attributed to the sharp increase in potassium chloride prices.

All U.S. producers were requested to supply the Commission with information concerning lost sales or price reductions to meet competition from imports of potassium chloride produced by Texasgulf in Canada. No U.S. producer reported any instance of lost sales or price reductions.

Threat of Material Injury

U.S. production and market share are expected to decline during the 1980's,[35] primarily due to the decreasing quality and quantity of recoverable reserves in the United States.

There are also a number of considerations which deminish the threat of material injury by reason of imports which may be sold at LTFV in the future. U.S. consumption of the product, according to the The Billings Group, Inc. (Billings),[36] will increase by 22 percent, from 7.4 million short tons K_2O in 1979 to 8.9 million short tons K_2O by 1980. Billings also projects that production by Texasgulf in Canada will increase from 308,000 short tons K_2O in 1979 to 373,000 short tons K_2O in 1990. Assuming that all the potassium chloride produced by Texasgulf in Canada is shipped to the United States, imports from Texasgulf would account for only 4.2 percent of U.S. consumption of potassium chloride in 1990. In the meantime, imports from all Canadian producers are projected by Billings to increase from 74 percent of apparent U.S. consumption in 1979 to 90 percent by 1990.[37]

Texasgulf will have little incentive to sell potassium chloride at LTFV. During the 1980's faced with a small and declining share of the expanding U.S. market, the company will most likely be a price follower rather than a price leader.

Conclusion

After considering the above information, we determine that an industry in the United States would not be materially injured, nor threatened with material injury, by reason of imports of potassium chloride from Canada covered by the antidumping order if the order were to be modified or revoked.

By order of the Commission.

Issued: April 7, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-11408 Filed 4-14-81; 8:45 am]

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[30] The potassium chloride industry commonly expresses the potassium content of potassium chloride in terms of potassium *oxide*, i.e., K_2O. Commercial potassium chloride is approximately 60 percent K_2O. Thus, 1,000 short tons of potassium chloride is equivalent to about 600 short tons of K_2O. This opinion will follow industry usage and express quantities of potassium chloride in terms of the K_2O equivalent.

[31] E.g., The Billings Group, Inc., *North American Potash Demand 1985 and 1990* (Sept. 1980); Tennessee Valley Authority; Stanford Research Institute. See infra n. 35.

[32] See commission Report at A-24.

[33] Commission Report at A-25, A-26. For a partial list of experts relied upon, see n. 30.

[34] Commission Report at A-25.

[35] The Billings Group, Inc., *North American Potash Demand 1985 and 1990* (Sept. 1980).

[36] The Billings Group Inc., is an economic consulting firm that specializes in market analysis for major North American potash producers.

[37] The Commission does not mean to imply by use of the data for 1990 that this year has any special significance. The Commission simply finds that the data indicates that not only is threat not imminent, but that it does not appear likely for some time to come.

[Investigation No. AA1921-115]

Synthetic L-Methionine From Japan; Commission Request for Comments

AGENCY: United States International Trade Commission.

ACTION: Request for comments regarding institution of Section 751(b) review investigation concerning affirmative determination in Investigation No. AA1921-115, Synthetic Methionine from Japan.

SUMMARY: The Commission invites comments from the public on whether changed circumstances exist which warrant the institution of an investigation pursuant to section 751(b) of the Tariff Act of 1930, Pub. L. No. 96-39, section 101, 93 Stat. 175-76 (to be codified at 19 U.S.C. 1675(b)), to review the Commission's affirmative determination in investigation No. AA1921-115 to synthetic 1-methionine from Japan. The purpose of the proposed section 751(b) review investigation, if instituted, would be to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry would be materially retarded, by imports of synthetic 1-methionine if the antidumping order regarding synthetic methionine from Japan is modified or revoked with respect to synthetic 1-methionine provided for in item 425.04 of the Tariff Schedules of the United States.

SUPPLEMENTARY INFORMATION: On May 14, 1973, the Commission determined that an industry in the United States was injured within the meaning of the Antidumping Act, 1921, by reason of imports of synthetic methionine from Japan determined by the Secretary of Treasury to be sold or likely to be sold at less than fair value (hereinafter "LTFV").

On July 3, 1973, the Department of the Treasury issued a finding of dumping, 7 Cust. B. 630 (1973), T.D. 73-188, and on July 10, 1973 published notice of the dumping finding in the **Federal Register**, 38 FR 18382.

On December 15, 1980, the Commission received a request to review its affirmative determination in investigation No. AA1921-115. The request was filed pusuant to section 751(b) of the Tariff Act of 1930 by Kyowa Hakko USA, Inc., an importer of synthetic 1-methionine from Japan.

Written Comments Requested

Pursuant to section 207.45(b)(2) of the Commission's Rules of Practice and Procedure (46 FR 18023) (March 23, 1981), the Commission requests comments on whether the following alleged changed circumstances are sufficient to warrant institution of a review investigation: (1) the likelihood that there is no industry in the United States which produces synthetic 1-methionine, and (2) the likelihood that synthetic 1-methionine from Japan is not like any form of synthetic methionine produced in the United States.

The purpose of the proposed investigation would be to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry would be materially retarded if the antidumping order is modified or revoked with regard to synthetic 1-methionine. Revocation or modification of the dumping finding as to synthetic 1-methionine would not affect the Commission's affirmative determination as to other forms of synthetic methionine from Japan.

The Kyowa Hakko Request

Copies of the Kyowa Hakko request and any other public documents in this matter are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0161.

Additional Information

Under § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), the signed original and 19 true copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436; telephone 202-523-0161. All comments must be filed no later than May 15, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request business confidential treatment under section 201.6 of the Commission's Rules of Practice and Procedure, (19 CFR § 201.6). Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Each sheet must be clearly marked at the top "Confidential Business Data." The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection in the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: John MacHatton, supervisory investigator, Office of Investigations, U.S. International Trade Commission, (202) 523-0439; Warren H. Maruyama, Office of General Counsel, U.S. International Trade Commission, (202) 523-0143.143.

By Order of the Commission.

Issued: April 10, 1981

Kenneth R. Mason,

Secretary.

[FR Doc. 81-11415 Filed 4-14-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-41 (Preliminary)]

Tubeless-Tire Valves From the Federal Republic of Germany; Institution of Preliminary Antidumping Investigation and Scheduling of Conference

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigation to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports from the Federal Republic of Germany of tubeless-tire valves allegedly sold or likely to be sold at less than fair value. For the purposes of this investigation, the term "tubeless-tire valve" means any tubeless-tire valve suitable for use with passenger automobile and light truck wheels,[1] provided for in item 692.32 of the Tariff Schedules of the United States.

EFFECTIVE DATE: April 9, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator (202-523-0439).

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted following receipt of a revised petition on April 9, 1981, from the Nylo-Flex Manufacturing Company, Inc., Mobile, Alabama. Originally filed on February 24, 1981, Nylo-Flex's petition was found by Commerce to be inadequate, and on March 13, 1981, the company withdrew its complaint to make the required adjustments. Accordingly, the U.S. International Trade Commission terminated its investigation (No. 731-TA-39 (Preliminary)) pending the petitioner's resubmission. Notice of the termination of investigation No. 731-TA-39 (Preliminary) and the cancellation of the public conference therefor was published in the **Federal Register** of March 18, 1981, (46 FR 17312).

Authority. Section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) requires the Commission to make a determination of whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise which is the subject of the investigation by the administering authority. Such a determination must be made within 45 days after the date on which a petition is filed under section 732(b) or on which notice is received from the Department of Commerce of an investigation commenced under section 732(a). Accordingly, the Commission, on April 9, 1981, instituted preliminary antidumping investigation No. 731-TA-41. This investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457) and particularly, subpart B thereof.

Written Submissions

Any person may submit a written statement of information pertinent to the subject matter of this investigation to the Commission on or before May 6, 1981. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted

[1] Light trucks are defined, for purposes of this investigation, as trucks having a gross vehicle weight (GVW) of 10,000 pounds or less.

separately and each sheet must be clearly marked at the top "Confidential Business Data". Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10:00 a.m., e.s.t., on April 30, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigation, Mr. John MacHatton (202-523-0439). It is anticipated that parties in support of the petition for antidumping duties and parties opposed to such petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Inspection of Petition

The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

By order of the Commission.

Issued: April 10, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-11406 Filed 4-14-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 78-13]

McNeilab, Inc.; Grant of Registration

By notice published June 27, 1978 in the **Federal Register** (43 FR 27908, 27909), McNeilab, Inc., Fort Washington, Pennsylvania, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of certain basic class controlled substances specified in the notices and has also made application to be registered as an importer of certain basic class controlled substances. Pursuant to regulation (21 CFR 1301.43(a) and 21 CFR 1311.42(a)), the notices advised of the opportunity for the filing of written comments on these applications by any registered bulk manufacturer of the specified substances and any other person who then had pending an application for similar registration, and for the filing by them of objections to the McNeilab applications and for requesting a hearing.

Comments and objections were filed by several companies; a hearing was thereupon requested by Mallinckrodt, Inc. and Penick Corporation. On August 9, 1978, notice was published in the **Federal Register** (43 FR 35403) summarizing the comments and objections that had been received and announcing the scheduling of hearings on the two applications for registration submitted by McNeilab, Inc.

Several pharmaceutical companies were entitled to participate in the proceedings and the unusually large number of participants and issues necessitated many pre-hearing conferences and submissions. The evidentiary hearing sessions on the applications of McNeilab, Inc. were fianlly conducted on April 22, 23, 24 and 25, and on May 7 and 8, 1980. The testimony of 23 witnesses was placed in evidence along with 116 exhibits. Thereafter, a schedule was set for the filing of proposed findings of fact and conclusions of law with statements of supporting reasons or briefs. The final submission was filed on August 15, 1980.

On August 18, 1980, Administrative Law Judge Francis L. Young issued his opinion and recommended ruling, findings of fact, conclusions of law and recommended decision in this matter. Several companies filed written exceptions or responses to that document pursuant to 21 CFR 1316.66. These written exceptions and responses were made part of the formal record. Thereupon, the entire record was certified to the Administrator by the administrative law judge on September 15, 1980 pursuant to 21 CFR 1316.65. Having carefully reviewed the record of these proceedings the Administrator concludes that the applications of McNeilab, Inc., are consistent with the public interest and with United States obligations under international treaties, conventions and protocols now in effect.

The Administrator hereby accepts and adopts the findings of fact, conclusions of law and recommended opinion of the administrative law judge with stated reservation. The Administrator, at this point in time, recognizes that certain representations made in the applications of McNeilab, Inc. lead to the conclusion that the regulatory requirements necessary for registration will be met if a decision favorable to McNeilab, Inc. is rendered. Therefore, under the authority vested in the Attorney General by Sections 302 and 1108 of the Controlled Substances Act (21 U.S.C. 823 and 958), which has been delegated to the Administrator of the Drug Enforcement Administraion by 28 CFR 0.100, it is ordered that the applications of McNeilab, Inc. be granted contingent upon the successful completion of all necessary and pertinent actions outlined in the applications, such as the construction of a secure manufacturing facility, and upon the ultimate approval of those actions by the Drug Enforcement Administration.

Accordingly, the objections to the granting of the applications as interposed by Mallinckrodt, Inc., Merck and Co., Inc., and Penick Corporation, based upon the premise that the applications are contrary to the public interest have been considered and are hereby rejected; the applications of McNeilab, Inc. will be granted based upon the completion of all actions necessary for compliance with the pertinent rules and regulations.

This order is effective on April 15, 1981.

Dated: April 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-11401 Filed 4-14-81; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Shoreham Nuclear Power Station Unit 1; Meeting

The ACRS Subcommittee on Shoreham Nuclear Power Station Unit 1 will hold a meeting at 8:30 a.m. on April 30, 1981 at the Holiday Inn, Route 25, Riverhead, NY 11901. The Subcommittee will discuss the Long Island Lighting Company's request for an Operating License. Notice of this meeting was published March 27.

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:

Thursday, April 30, 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 Long Island Lighting Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. John C. McKinley (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 8, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-11031 Filed 4-14-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Site Evaluation; Meeting

The ACRS Subcommittee on Site Evaluation will hold a meeting at 8:30 a.m. on April 30, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC. The Subcommittee will discuss siting rulemaking. Notice of this meeting was published March 27.

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 Cognizant 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:

Thursday, April 30, 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 Federal Employee, Mr. Garry G. Young (telephone 202/634-1414), between 8:15 a.m. and 5:00 p.m., EST. The Designated Federal Employee for this meeting is Mr. John C. McKinley.

Dated: April 8, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-11030 Filed 4-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440-OL; 50-441-OL]

Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2); Hearing on Issuance of Facility Operating License

April 9, 1981.

On February 13, 1981, a notice of opportunity for hearing was published in the **Federal Register** (46 FR 12372). That notice stated that the Cleveland Electric Illuminating Company, the Duquesne Light Company, the Ohio Edison Company, the Pennsylvania Power Company, and the Toledo Edison Company, had applied for a license to operate the Perry Nuclear Power Plant, Units 1 and 2. Both of these units are boiling water nuclear reactors located near Lake Erie in Lake County, Ohio. Each reactor is designed to operate at a core power level of 3579 megawatts thermal, with an equivalent net electrical output of approximately 1205 megawatts.

The February 13 notice also stated that the Commission will consider the issuance of a facility operating license which would authorize the applicant to possess, use and operate the Perry Nuclear Power Plant in accordane with the provisions of the license and the accompanying technical specifications. Persons wishing to participate in the proceeding as parties were invited to file a petition for leave to intervene prior to March 16, 1981.

Subsequently, an Atomic Safety and Licensing Board, consisting of Peter B. Bloch, chairman, Dr. Jerry R. Kline, and Mr. Frederick J. Shon, has been designated by the Commission to rule on petitions to intervene. That Board issued a Memorandum and Order on April 19, 1981, admitting as parties David Nash, Gail Caduff Nash, Linda Qualls, David Qualls, Jenny Steindam, Harold Steindam, Wes Gerlosky, Margaret Gerlosky, William Brotzman, Grand River Winery, Cumings Homsted Park Corp., the Lake County Board of Commissioners, The Lake County Disaster Services Agency, and Tod J. Kenney.

The Board has called a Special Prehearing Conference to be commenced at 9:30 a.m., on June 2-3, 1981, in the Public Assembly Room of the Lake County Courthouse, Lake County Administration Center, 105 Main St., Painesville, Ohio 44077. At that hearing, Sunflower Alliance, Inc., Northshore Alert, Citizens for Safe Energy, Toledo Coalition for Safe Energy and Ohio Citizens for Safe Energy will have an opportunity to show why they should be admitted to party status. At the prehearing conference the Board may identify specific issues to be considered at the evidentiary hearing to be held in this case, consider methods of coordinating or consolidating intervenors, establish a schedule for discovery, and take other actions in the interest of fair and efficient proceedings.

The public is invited to attend but not to participate in the special prehearing conference. An opportunity for any person who wishes to make an oral or written statement in the proceeding but who has not filed a petition to intervene will be provided. Any person may request permission to make a limited appearance pursuant to provisions of 10 CFR 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing and will be subject to the conditions set forth in a subsequent Notice of Hearing. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For further details see the application for the facility operating license, the Applicant's environmental report and papers filed concerning petitions to intervene, including the Memorandum and Order dated April 9, 1981, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W.,

Washington, D.C. and at the Ohio State Clearing House, Office of Budget and Management, 30 East Broad Street, 24th Floor, Columbus, Ohio 43215.

It is so ordered.

Dated in Washington, D.C. this 9th day of April 1981.

Atomic Safety and Licensing Board,

Peter B. Bloch,

Chairman, Administrative Judge.

Dr. Jerry R. Kline,

Administrative Judge.

Mr. Frederick J. Shon,

Administrative Judge.

[FR Doc. 81-11393 Filed 4-14-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Privacy Act of 1974; Proposed Modification of System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notification of proposal to modify an existing system of records.

SUMMARY: The Securities and Exchange Commission proposes to modify an existing system of records, which was previously identified in the **Federal Register**, 41 FR 41585, on September 22, 1976, as SEC-42, Name-Relationship Index System ("NRS"), and was amended as specified in the **Federal Register**, 43 FR 21771, on May 14, 1978. This proposed modification is being published for public comment.

DATES: This amendment will become effective June 1, 1981, unless comments are received by that date which would result in a different determination.

ADDRESSES: Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's public reference section, Room 6101, 1100 L Street N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Andrew W. Sidman, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2454.

SUPPLEMENTARY INFORMATION: The NRS is a computerized system of records that relates the name of individuals who make certain filings with the Commission or are involved in investigations or enforcement actions instituted by the Commission, with the particular filing or enforcement action, and contains additional information concerning these matters. The proposed modification of the system of records would incorporate into that system information contained in filings made with the Commission pursuant to Rule 19h-1, 17 CFR 240.19h-1, promulgated under the Securities and Exchange Act of 1934 (the "Act"), 15 U.S.C. 78a et seq. Rule 19h-1, among other things, requires a self-regulatory organization ("SRO") to file with the Commission a notice of its proposal to admit or continue any person in membership, or association with a member, where that person is subject to a statutory disqualification as defined in Section 3(a)(39) of the Act, 15 U.S.C. 78c(a)(39). That notice is required to contain, among other things, the following information that would be included in the system of records, as modified: name of the disqualified person; the broker dealer registration number of the proposed employer; any action taken by the Commission with respect to the proposal; the Commission's regional office within whose geographic area the disqualified person proposes to be employed; dates of receipt and disposition; the nature of the proposed position of employment; and the social security number of the disqualified person.

The alteration of the NRS to include information contained in filings made pursuant to Rule 19h-1 will enhance the Commission's ability to compile, analyze, and retrieve this information. Computerization of this information will enable the Commission's staff to obtain expeditiously an employment profile for statutorily disqualified persons and, accordingly, will assist the staff in monitoring the progress of pending filings and alert the staff to the existence of previous filings on behalf of a particular disqualified person. Moreover, this information will enhance the Commission's ability to conduct examinations of broker-dealers, because it will enable the staff to determine whether broker-dealers that employ statutorily disqualified persons are complying with any special supervisory procedures that the Commission has imposed with respect to such persons. In this manner, modification of the NRS will help the Commission to serve more effectively the public interest and protect investors, as required by the provisions of the Act that compel the Commission to require the filing of this information. Sections 6(c)(2), 15A(g)(2), and 17A(b)(4)(A) of the Act, 15 U.S.C. 78f(c)(2), 78o-1(g)(2), and 78q-1(b)(4)(A).

A report of the proposal to alter this system of records was filed, pursuant to 5 U.S.C. 552a(o), with Congress and the Office of Management and Budget on April 1, 1981. The amended portions of the notice are italicized.

SEC-42

SYSTEM NAME:

Name-Relationship Index System (NRS)—SEC

SYSTEM LOCATION:

Securities and Exchange Commission, Washington, D.C. 20549.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on principals and other individuals listed in filings by corporate issuers of securities; principals and other individuals listed in applications for registration and amendments thereto filed by broker-dealers, investment advisers, transfer agents (non-bank), municipal securities dealers (which are banks or separately identifiable departments or divisions of banks), clearing agencies (non-bank), and securities information processors; individuals who are required to file ownership reports as corporate insiders; individuals, including defendants, respondents and witnesses, named in investigations and enforcement actions relating to securities violations; and *individuals listed in filings by self-regulatory organizations regarding the entry or re-entry of statutorily disqualified persons into the securities business.*

CATEGORIES OF RECORDS IN THE SYSTEM:

The records are computerized and contain index information that relates the name of the individual to the docketed name of the formal filing or the case name when an enforcement or litigation proceeding is involved. The records include the SEC file numbers, date information on the relationship, the social security number of the individual (if available), disposition of cases (if available), and violations alleged (if any).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 15, United States Code, 77e, 77f, 77g, 77j, and 77o; 78f, 78l, 78m, 78o, *78o-l*, 78p, *78q-l*, and 78u; 79c, 79f, 79g, 79r, and 79s; 77eee, 77mmm, 77nnn, 77ttt, and 77uuu; 80a-8, 80a-20, 80a-29, 80a-32, 80a-40, 80a-44, and 80a-45; 80b-3, 80b-4, 80b-12, and 80b-16.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and the information in these records may be used as follows:

1. By authorized SEC personnel in connection with their official functions

including, but not limited to, the processing of documents filed with the Commission, the conduct of investigations into possible violations of the Federal securities laws, and other matters relating to the Commission's regulatory and law enforcement functions.

2. To conduct name searches upon the request of authorized individuals in other governmental agencies (Federal, State, local or foreign) or securities self-regulatory organizations for purposes of carrying out their designated functions.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulations, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

10. To aid in responding to inquiries from Members of Congress, the press and the public concerning matters that are within the Commission's jurisdiction.

11. In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or State or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the Federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, State securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

12. Records in this system may be disclosed as routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g)) or the Commission's Rules of Practice, 17 CFR 201.1 et seq., or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal Securities laws or the Commission's Rules of Practice.

13. Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

14. A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

15. Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g)).

16. Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

17. Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.735–1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

18. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

The records are maintained on magnetic disk and tape.

RETRIEVABILITY:

Information is retrieved by the name of the individual. Access for inquiry purposes is either by special request forms that are keypunched and processed by computer or by direct means via a computer terminal.

SAFEGUARD:

The special request forms must be authorized by the division or office head or by a member of the staff pursuant to delegated authority. Direct data access via computer terminals is restricted to certain authorized personnel automatically through use of special identification codes assigned to these personnel.

RETENTION AND DISPOSAL:

A record of search transactions, either through the forms or via the computer terminals, is maintained on magnetic storage media. Computer tape and disk files, on which the data is stored, are available only through the librarian or chief of operations of the Office of Information Systems Management. Backup master files on tape are stored at a secured auxiliary SEC storage facility. Records are maintained indefinitely at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Information Systems Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C. or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

CONTESTING RECORD PROCEDURES:

See Record access procedures above.

RECORD SOURCE CATEGORIES:

The sources include filings made by issuers, broker-dealers, investment advisors, insiders, *self-regulatory organizations,* and others; documents relating to enforcement actions. The enforcement documents are comprised of SEC opinions and orders, recommendations from SEC enforcement officials for institution of docketed investigations, court pleadings, and findings and orders issued by State and Federal courts, State securities boards, national securities exchanges and self-regulatory organizations, and individuals, including the individual to whom the information relates. Information may also be received from other State, local or foreign law enforcement or regulatory organizations.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 6, 1981.

[FR Doc. 81-11364 Filed 4-14-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Dynergy Corp.; Order of Suspension of Trading

April 9, 1981.

It appearing to the Securities and Exchange Commission that Dynergy Corporation ("Dynergy") has failed to disclose that the State of Delaware has declared the company's corporate existence void for failure to pay franchise taxes, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Dynergy.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in Dynergy on a national securities exchange or otherwise is suspended, for the period from 11:45 a.m. on April 9, 1981 through midnight on April 18, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11352 Filed 4-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17698; File No. SR-MSRB-81-2]

Municipal Securities Rulemaking Board; Proposed Rule Change by Self-Regulatory Organizations

In the matter of proposed rule change relating to professional qualifications; comments requested on or before May 6, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 19, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

(a) The Municipal Securities Rulemaking Board is filing herewith proposed amendments to rule G-3 concerning professional qualification (hereafter sometimes referred to as the "proposed rule changes"). The proposed rule changes would make several clarifying and substantive modifications to rule G-3. The text of the proposed rule changes is set forth in Exhibit 1 hereto.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the proposed rule change

(a) Rule G-3 sets forth standards of professional qualifications for municipal securities brokers and dealers and their associated persons, including examination and training requirements for certain categories of personnel. The proposed rule changes would modify rule G-3 to clarify certain provisions, to delete references to exemptive provisions and dates which are no longer relevant, and to make several substantive changes to the current professional qualifications requirements. These substantive changes are discussed below.

Classification of, and Examination Requirements for, "Municipal Securities Sales Principals"

Rule G-3 currently establishes the following classifications for persons associated with municipal securities brokers and municipal securities dealers: "municipal securities principals," "financial and operations principals," and "municipal securities representatives," as those terms are defined in the rule. The term "municipal securities principal" is defined to include persons who are directly engaged in the management, direction,

or supervision of the activities of municipal securities representatives. In contrast to provisions of rule G–3 which permit municipal securities representatives to qualify by taking and passing either the Board's Municipal Securities Representatives Qualifications Examination or a general securities examination offered by a registered securities association, under the rule, persons who wish to qualify as municipal securities principals generally must take and pass the Board's Municipal Securities Principal Qualification Examination.

A number of securities firms have expressed concern to the Board and other self-regulatory organizations regarding the multiple examination requirements applicable to certain persons associated with general securities firms who supervise only sales activities, such as branch office managers.[1] These firms contend that the multiple examinations are burdensome and unnecessary in that they are often duplicative, and test subject matter that is beyond the scope of the customary responsibilities of such personnel. The Board believes that these concerns are valid, and has been working with the other self-regulatory organizations to develop a joint examination for such persons. In view of the large number of such persons and the Board's confidence that the joint examination will provide a reliable test of their ability to supervise municipal securities sales activities, the Board believes that it is appropriate to establish a separate qualification category for them at this time.

The proposed rule changes amend the definitional provisions of rule G–3 to add a new qualification category, that of "municipal securities sales principal." A "municipal securities sales principal" would be a person associated with a securities firm whose activities as they relate to municipal securities are limited to supervising customer sales and purchases. The proposed rule changes also provide that "municipal securities sales principals" may qualify by taking and passing an appropriate examination to be designated by the Board. The Board intends to designate the aforementioned joint examination, when it is completed, as the appropriate qualification examination.[2]

[1] Currently, for example, managers of a full-service branch office of a general securities firm must pass the NASD General Securities Principal examination, the NYSE Branch Office Manager examination, the Registered Options Principal examination, and the Board's Municipal Securities Principal Qualification Examination.

[2] The Board intends to make a further filing to so designate the joint examination, subject to approval of that examination by the Commission.

Prerequisite for Qualification as Municipal Securities Principal or Municipal Securities Sales Principal

The qualification requirements in rule G–3 for municipal securities representatives and municipal securities principals are separate and distinct. Thus, a person may qualify as a municipal securities principal without having first qualified as a municipal securities representative. In addition, the respective qualification examinations test for different kinds of knowledge; the examination for municipal securities representatives focuses on product knowledge, while the examination for municipal securities principals test for knowledge of supervisory responsibilities and compliance matters.

The Board is concerned that, under the current rules, there is no requirement for a municipal securities principal to demonstrate knowledge of municipal securities products and the functioning of the municipal market in order to be qualified to perform principal functions. The Board believes such knowledge is essential in order to properly supervise the activities of municipal securities representatives. Accordingly, the proposed rule changes would require successful completion of the municipal securities representative examination requirement, as a demonstration of such knowledge, as a part of the qualification requirements for municipal securities principals and municipal securities sales principals. The Board also proposes that this requirement not become effective until 30 days following the date of Commission approval of the amendments, in order to avoid disrupting the plans of persons preparing to take the Municipal Securities Principal Qualification Examination at that time.

Rule G–3(h) provides that persons who enter the industry in a representative or principal capacity without previously having qualified as a municipal securities representative or a general securities representative may not transact business with members of the public or be compensated on a commission basis for a period of at least 90 days following the date of their employment. This "apprenticeship" requirement is intended to provide a period for assimilation of the practical aspects of industry participation, including many matters of direct interest to persons who are making investment decisions, which are not readily amendable to evaluation by a written test. In view of the fact that municipal securities principals or municipal securities sales principals, when functioning as such, ordinarily have limited contact with members of the general public and that successful completion of the representative examination requirement would, in the Board's view, demonstrate product and industry knowledge appropriate for such limited contact, the proposed rule changes would eliminate the "apprenticeship" requirement for persons who first enter the municipal securities industry as principals. The Board notes, however, that under the rule, any person, including a principal, who engages in the activities of a municipals securities representative (*e.g.*, trades or sells municipal securities), must satisfy the "apprenticeship" requirement, if such person is not exempt from its provisions.

Two-Year Grace Period for Municipal Securities Principals

Rule G–3 currently provides that once persons are qualified in a particular capacity, they retain the qualification regardless of whether they actually function in that capacity, for as long as they remain associated with a municipal securities broker or municipal securities dealer plus two years from termination of such association. The proposed rule changes would continue this treatment for a person qualified in both representative and principal capacities who ceases to function as a representative. However, in the case of a person who ceases to function as a principal, the two-year grace period would begin to run as of the time principal functions cease even though he or she continues to be associated with a municipal securities broker or municipal securities dealer. While persons functioning as municipal securities principals are, in the performance of their duties exposed on a day-to-day basis to matters of concern to municipal securities representatives (e.g., market developments, new municipal instruments, changes in trading practices) neither municipal securities representatives nor financial and operations principals, given the specific and clearly defined scope of their duties, ordinarily maintain day-to-day exposure to the supervisory and compliance matters of concern to municipal securities principals. Therefore, the Board has concluded that continuing association with a municipal securities dealer, in a capacity other than that of a municipal securities principal, should not be sufficient to maintain a person's qualification status as a municipal securities principal.

(b) The Board has adopted the proposed rule changes pursuant to

section 15B(b)(2)(A) of the Exchange Act which directs the Board to adopt rules to:

> * * * provide that no municipal securities broker or municipal securities dealer shall effect any transaction in * * * any municipal security unless * * * such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer meets such standards of training, experience, competence, and other such qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors * * *.

As indicated above, the Board believes that the proposed rule changes as they relate to the prerequisite for qualification as a municipal securities principal or a municipal securities sales principal and the two-year grace period would enchance the quality of supervision of the activities of municipal securities representatives. The rule changes relating to the classification of municipal securities sales principals would substantially reduce examination burdens for certain supervisory persons associated with securities firms while continuing to require such persons to meet standards of competence appropriate to their supervisory responsibilities. The other proposed rule changes would clarify and make more rational the professional qualifications requirements for persons associated with the municipal securities industry.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule changes will have no significant impact on competition. For the most part, the proposed rule changes merely adjust and clarify the professional qualification requirements which apply equally to all municipal secuities brokers and municipal securities dealers.

The proposed rule changes would limit the class of "municipal securities sales principals" to persons who are associated with municipal securities dealers other than bank dealers, and who supervise customer sales and purchases but do not supervise other municipal securities activities. The Board has so limited this classification because the Board beleives that relief from burdensome multiple examination requirements is necessary for this group of municipal securities professionals. The Board is not aware of any comparable qualification burdens which affect associated persons of bank dealers.

Comment letters from the DBA and Bankers Trust noted that the proposal would treat bank and non-bank dealer personnel differently. Bankers Trust asserted that the burden of multiple testing requirements on branch office managers did not justify less rigorous qualification standards for non-bank dealer supervisory personnel than for bank-dealer supervisory personnel.

The Board believes that these commentators may have misunderstood the effect of the Board's proposal. The joint examination currently being developed to permit qualification of securities firm personnel at the sales supervisory level is a broad survey of general and specialized securities knowledge which the Board believes would be beyond the ordinary professional requirements of most bank-dealer personnel. Considering the scope and depth of the proposed joint branch office managers examination which municipal securities sales principals will be required to pass in order to qualify, any conclusion that such persons will be able to qualify by means of a lower qualifications standard or easier examination than their bank-dealer counterparts would not be justified. Furthermore, it bears emphasis that the category of supervisory personnel who would be able to qualify as municipal securities sales principals is limited to those who supervise purchase and sales transactions with customers but do not supervise other kinds of municipal securities activities, such as underwriting or trading. The Board is not aware that there are many persons associated with bank dealers whose supervisory functions with respect to municipal securities are so limited. If, however, there were a large number of such persons and a separate examination could be developed which would provide a reliable test of their ability to supervise municipal securities sales activities, the Board would consider permitting such persons to qualify as municipal securities sales principals.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants, or Others

On October 15, 1980, the Board released a notice soliciting comments on the proposed rule changes, as well as certain other proposed changes to rule G-3 which have not been adopted by the Board. A total of 16 comment letters were received in response to the notice from the following persons:

Subcommittee on Municipal and Governmental Obligations of the Federal Regulation of Securities Committee, American Bar Association (the "ABA")
Bank of America N.T. & S.A. ("Bank of America")
The Bank of New York
Bankers Trust Company ("Bankers Trust")
Crowell, Weedon & Co. ("Crowell, Weedon")
Office of the Comptroller of the Currency (the "Comptroller")
Dealer Bank Association (the "DBA")
Federal Deposit Insurance Corporation (the "FDIC")
Staff of the Board of Governors of the Federal Reserve System (the "Federal Reserve")
Marine Midland Bank ("Marine Midland")
Public Securities Association (the "PSA")
Salomon Brothers ("Salomon")
Shufro, Rose & Ehrman ("Shufro, Rose")
Stifel, Nicolaus & Company, Incorporated ("Stifel")
Tucker, Anthony & R.L. Day, Inc. ("Tucker, Anthony")
M.B. Vick & Co. ("Vick")

Copies of the above comment letters are on file at the offices of the Board.

Establishment of a Qualification Category for "Municipal Securities Sales Principals"

The ABA; the Comptroller; Crowell, Weeden; the PSA; Salomon; Shufro, Rose; Stifel, and Tucker, Anthony endorsed the establishment of a municipal securities sales principal qualification category and the development of a joint examination as a needed step in the reduction of unnecessary regulation.

Reference is made to the discussion contained under Section B above concerning certain written comments of the DBA and Bankers Trust.

The FDIC and Vick requested that the Board make more explicit the scope of the proposed examination. The Board is satisfied that the municipal areas to be covered on the proposed examination are those relevant to the activities of the level of personnel to be tested. The Board intends to provide the industry with a complete discussion of the scope of the municipal securities section of the joint examination at such time as it files amendments to designate such examination as the appropriate qualification examination for municipal securities sales principals.

Proposal That Persons Seeking To Qualify as Municipal Securities Principal First Quality as Municipal Securities Representative

The Board's notice of October 15, 1980 proposed that qualification as a municipal securities representative be made a prerequisite for qualification as a municipal securities principal or municipal securities sales principal. This change was proposed by the Board to enable municipal securities principals to ensure more effective and

knowledgeable supervision by municipal securities principals.

The draft proposal was endorsed by the Comptroller; Crowell, Weedon; the DBA; the FDIC; the PSA; Salomon; Stifel; Tucker, Anthony, and Vick.

The ABA, Bankers Trust, and the Federal Reserve expressed opposition to a "blanket" requirement that every principal in an organization first qualify as a municipal securities representative. Bankers Trust and the Federal Reserve suggest that a flexible approach be adopted whereby dual qualification would be required only for the exercise of certain specific supervisory functions. The Board rejected this suggestion because of the difficulty of implementing such a system and because of the Board's strong belief that knowledge of the municipal securities products is important for all principals regardless of the supervisory functions which they perform.

The Federal Reserve suggested that as an alternative to exempting senior policy-making personnel from the prerequisite, the Board should consider developing an additional section of the Municipal Securities Principal Qualification Examination devoted to product knowledge to be administered to candidates who have not previously qualified as municipal securities representatives. The Board believes that requiring candidates to take and pass a limited supplement to the Municipal Securities Principal Qualification Examination would not provide a reliable test of their product knowledge.

Commencement of the Two-Year "Grace" Period at the Time of Termination of Principal Activities

Only three commentators, the Comptroller, the FDIC, and the PSA had specific comments on the Board's proposal to amend rule G-3 to provide that the two-year grace period for principals would commence running at the time performance of principal functions ceases. All three commentators supported the proposal as a sensible modification of the rule.

Other Comments on Exposure Draft

Bankers Trust; Crowell, Weedon; Shufro, Rose; Stifel, and Tucker, Anthony expressed support for the Board's effort to clarify and update rule G-3. There were no comments opposing such changes.

One of the proposed changes to rule G-3 set forth in the October 15, 1980 notice would have established a new qualification category and examination for bank dealer personnel who are engaged in the managment, direction, or supervision of processing and clearance functions with respect to municipal securities, provided that they do not have policy-making or other discretionary authority over such functions. Under rule G-3, the requirement to pass the Municipal Securities Principal Qualification Examination does not apply to such persons, and they are not required to meet any other qualification requirement.

A substantial number of comments opposing this proposal were received and no commentator offered support for the draft amendment. In reaching its decision not to adopt the draft amendment, the Board gave considerable weight to the comments of the Comptroller, the FDIC, and the Federal Reserve. These commentators predicted that the high costs of regulation flowing from such a requirement would not be offset by substantial improvement of regulatory safeguards. The Bank regulators noted that a number of existing Board rules, bank examination and auditing requirement, and the securities laws themselves provide sufficient incentives and controls to ensure compliance with recordkeeping and comfirmation rules. The Board notes that the activities of such persons, to the extent that they are performed on behalf of the municipal securities dealer function of the bank, must be subject to the supervision of a municipal securities principal.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

With 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with request to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 6, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 8, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11353 Filed 4-14-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region III Advisory Council; Public Meeting

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Washington, D.C., will hold a public meeting at 12:00 Noon on Wednesday, May 13, 1981, at the Flagship Restaurant, 900 Water Street, S.W., Washington, D.C., to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Freddie M. Collins, District Director, U.S. Small Business Administration, 1030 15th Street, N.W., Suite 250, Washington, D.C. 20417 (202) 653-6965.

Dated: April 10, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-11355 Filed 4-14-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-86]

Fish—Tariff-Rate Quota for the Calendar year 1981

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity on certain fish for calendar year 1981.

SUMMARY: The tariff-rate quota for fish pursuant to item 110.50, TSUS, for the 1981 calendar year is 47,263,870 pounds.

EFFECTIVE DATES: The 1981 tariff-rate quota is applicable to fish described in item 110.50, TSUS, which are entered, or withdrawn from warehouse, for consumption during calendar year 1981.

FOR FURTHER INFORMATION CONTACT: Helen C. Rohrbaugh, Head, Quota Section, Duty Assessment Division, Office of Commercial Operations, U.S. Customs Service, Washington, D.C. 20229 (202-566-8592).

SUPPLEMENTARY INFORMATION: This tariff-rate quota for fish is equal to 15 percent of the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks, of cod, cusk, haddock, hake, pollock, and rosefish, for the three preceding years, as provided for in headnote 1, part 3A, schedule 1, and item 110.50, TSUS.

It has been determined that the average aggregate consumption for calendar years 1978 through 1980 was 315,092,467 pounds. Therefore, the quota quantity of fish, item 110.50, TSUS, for calendar year 1980 is 47,263,870 pounds.

(QUO-2-CO:T:D:SO)

Dated: April 9, 1981.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 81-11374 Filed 4-14-81; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

[General Counsel Order No. 25]

Appointment to the Performance Review Board

I hereby appoint James Keightley to replace Stephen Miller on the General Panel of the Legal Division Performance Review Board.

Effective Date: April 9, 1981.

David R. Brennan,

Acting General Counsel.

[FR Doc. 81-11327 Filed 4-14-81; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 72
Wednesday, April 15, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, April 24, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eight floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-593-81 Filed 4-13-81; 10:44 am]

BILLING CODE 6351-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

April 8, 1981.

TIME AND DATE: 10 a.m., Wednesday, April 15, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *J. P Burroughs and Son, Inc.*, LAKE 80-223-M (issues include whether operator's notice to Secretary of intent to contest proposed assessment of penalty was timely).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen 202–653–5632.

[S-594-81 Filed 4-13-81; 2:01 pm]

BILLING CODE 6820-12-M

3

FEDERAL RESERVE SYSTEM.

Board of Governors.

TIME AND DATE: 10 a.m., Monday, April 20, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed salary structure adjustment at a Federal Reserve Bank.
2. Proposals with respect to the Board's employment goals.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. 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: April 13, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-591-81 Filed 4-13-81; 10:24 am]

BILLING CODE 6210-01-M

4

FEDERAL RESERVE SYSTEM.

Board of Governors

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Notice forwarded to Federal Register on April 7, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, April 15, 1981.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Request from Hawaiian depository institutions for an additional exemption from reserve requirement provisions of Regulation D (Reserve Requirements of Depository Institutions).

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: April 13, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-592-81 Filed 4-13-81; 10:25 am]

BILLING CODE 6210-01-M

5

[USITC SE-81-8]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2:30 p.m., Tuesday, April 21, 1981.

PLACE: Room 117 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Wire clamps (Docket No. 717).
   b. Molded-in sandwich panels (Docket No. 720).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-590-81 Filed 4-10-81; 4:08 pm]

BILLING CODE 7020-02-M

federal register

Wednesday
April 15, 1981

Part II

Department of the Treasury

Comptroller of the Currency

Customs Service

Internal Revenue Service

Bureau of Alcohol, Tobacco and Firearms

Office of the Secretary

Bureau of Government Financial Operations

Bureau of the Public Debt

Regulatory Agenda

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Chapter I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this agenda of its rules and regulations currently under review and scheduled for review. Also included is a list of regulatory actions taken since the publication of the Office's previous agenda on August 6, 1980 (45 FR 52166).

FOR FURTHER INFORMATION CONTACT: For additional information about a regulation contained in the agenda, contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: This agenda is organized as follows. Section A presents new rules and regulations under consideration; Section B lists currently-effective rules under review; Section C lists existing rules scheduled to be reviewed in the next six months; and Section D presents a summary of recent Office regulatory actions

The Office has determined that none of the entries in Section A or B requires a regulatory flexibility analysis; those entries are either interpretive rulings or were the subject of a Notice of Proposed Rulemaking prior to December 31, 1980. Such items are not subject to the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. EO 12291 defines a "major" rule to be one "likely to result in:

(1) An annual effect on the economy of $100M or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

John G. Heimann,
Comptroller of the Currency.
April 1, 1981.

SECTION A: NEW RULES UNDER DEVELOPMENT

12 CFR Part 7—Interpretive Rulings

Single Premium Annuities

Legal Authority: 12 U.S.C. 24(7).

On July 27, 1979, the Office published an advance notice of proposed rulemaking requesting comment concerning national bank participation in insurance company offerings of single premium annuity contracts which would utilize deposit accounts in national banks (44 FR 44172). A preliminary review of the comments revealed significant legal and supervisory issues regarding the permissibility of this activity for national banks. Further review and analysis is being undertaken to determine whether the rulemaking process will continue.

For further information, contact Howard Finkelstein, Attorney, Legal Advisory Services Division. Telephone (202) 447-1880.

Bank Indebtedness—Leasing

Legal Authority: 12 U.S.C. 1 *et seq.*

In January 1978, the Office issued for comment a proposed interpretive ruling (I.R. 7.7520) to provide national banks with guidance in selecting accounting standards for valuing leased banking premises. If adopted, the guidelines should make banks' financial statements more useful to the banks themselves, the Office, and the public (43 FR 2731).

For further information, contact Charles Byrd, Assistant Director, Legal Advisory Services Division. Telephone (202) 447-1880.

Retail Repurchase Agreements

To attract funds, an increasing number of national banks are offering repurchase agreements to their retail customers. These so-called "retail repo's"—in which a banks sells a security to a customer and then agrees to buy it back at a specified price at a specified time—raise a number of thorny and highly technical legal issues. The Office is developing a set of advisory guidelines on retail repurchase agreements to keep banks offering these contracts from inadvertently violating the securities laws. This will be issued in the form of a Banking Circular, not a formal regulation.

For further information, contact Owen M. Carney, Director, Investment Securities Division. Telephone (202) 447-1901.

SECTION B: EXISTING REGULATIONS UNDER REVIEW

12 CFR Part 1—Investment Securities Regulation

Legal Authority: 12 U.S.C. 1 *et seq;* 12 U.S.C. 24.

On December 16, 1979, the Comptroller announced that individual rulings under this regulation over the last seventeen years would be reviewed for the purpose of developing a general set of principles defining a national bank's legal right to purchase, deal in, underwrite or hold specific securities (44 FR 76263). The purpose of this project is to decrease the need for individual banks to seek from the office rulings on individual security offerings. The need for detailed legal research should also be reduced. A notice of proposed rulemaking detailing these principles was issued February 19, 1981 (46 FR 12978); the comment period will expire on April 20, 1981.

For further information, contact Radcliffe Park, Assistant Director, or Raija Bettauer, Attorney, Legal Advisory Services Division. Telephone (202) 447-1880.

12 CFR Part 2—Disposition of Credit Life Insurance Income

Legal Authority: 12 U.S.C. 1 *et seq.*, 24(7), 60, 73, 92, 1818(b).

On December 31, 1980, the Federal Financial Institutions Examination Council (FFIEC) published a policy statement on the disposition of credit life insurance income that will require a change in the Office's existing regulation on the subject. While both the FFIEC statement and the Office's existing Part 2 are intended to prohibit individuals associated with financial institutions from personally profiting from the sale of credit life insurance, they differ in their treatment of the allocation of credit life insurance income among the affiliated units of a bank holding company. Currently, Part 2 allows all such income to be credited to another wholly-owned affiliate of the holding company or to the holding company itself; the FFIEC statement, however, requires that a financial institution be "reasonably compensated" for its role in effecting the sale of the insurance. ("Reasonable compensation" is defined to be at least 20 percent of the income so generated.)

For further information, contact Ford Barrett, Assistant Chief Counsel. Telephone(202) 447-1896.

12 CFR Part 5—Rules, Policies, and Procedures for Corporate Activities

Legal Authority: 12 U.S.C. 1 *et seq.*

The Office is currently engaged in a comprehensive review of its regulation, policies, and procedures governing corporate activities. Several revisions of those rules have already been issued (see Section D below). However, several other amendments are still under review. These include the Office's policies and procedures concerning:

—Branches
—Customer-bank communication terminals
—Relocations
—Mergers
—Appraisal rights
—Stock plans
—Title changes.

For further information, contact Darrell W. Dochow, Deputy Director, Bank Organization and Structure Division. Telephone (202) 447-1184.

12 CFR Part 7—Interpretive Rulings

Definition of Capital (7.1100)

Legal Authority: 12 U.S.C. 84.

The amount of a bank's defined capital affects the maximum which it may lend to a single entity or group of related entities, the amount of investment securities of a single issuer it may hold, other investment limits, borrowings, and branching capabilities. The Office is reviewing this ruling to make it reflect more accurately current banking practices. In particular, it is considering expanding the role of loan loss reserves and restricting that of subordinated debt instruments with less than five years until maturity in computing a bank's capital base. A notice of proposed rulemaking was issued on July 24, 1980 (45 FR 49276).

For further information, contact Robert B. Norris, National Bank Examiner. Telephone (202) 447-1788.

Other Real Estate Owned (7.3025)

Legal Authority: 12 U.S.C. 29.

The Office is revising this ruling to take advantage of the new flexibility provided under the Depository Institutions Deregulation and Monetary Control Act (Pub. L. 96-221) by granting national banks greater leeway in the disposition of "other real estate." In addition, a proposal is being developed to establish for this ruling a uniform definition of "real estate" that all national banks could use. Currently, state law applies.

For further information, contact Alan Priest, Attorney, Legal Advisory Services Division. Telephone (202) 447-1880.

Investment in Bank Premises (7.3100)

Legal Authority: 12 U.S.C. 371d.

In January 1978, the Office issued for comment a proposed amendment to this interpretive ruling to provide national banks with guidance in selecting accounting standards for valuing their investment in bank premises (43 FR 2731). If adopted, this change should make banks' financial statements more useful to the banks themselves, the Office, and the public.

For further information, contact Charles Byrd, Assistant Director, Legal Advisory Services Division. Telephone (202) 447-1880.

Data Processing Services (7.3500)

Legal Authority: 12 U.S.C. 24(7).

On June 16, 1980, the Office issued an advance notice of proposed rulemaking soliciting comments on the extent to which this ruling accommodates national bank data processing activity in the face of recent major technological advances (45 FR 40613). Information about the current level of national bank involvement in data processing was sought from equipment manufacturers and users, suppliers of data processing services, banks, and the general public. A proposed revision of this ruling is currently under consideration.

For further information, contact Sharon Miyasato or David Ansell, Attorneys, Legal Advisory Services Division. Telephone (202) 447-1880.

Indemnification (7.5217)

Legal Authority: 12 U.S.C. 24.

The Office is reviewing this ruling, which sets forth the conditions under which a national bank may indemnify bank directors and personnel, in order to determine whether a clarification of indemnification standards is warranted. Alternatives to be considered include standards reflected in relevant state laws regarding indemnification and/or in the Model Business Corporation Act. An advance notice of proposed rulemaking was published on February 6, 1980, and comments closed on April 7, 1980 (45 FR 8025). A proposed rule is expected shortly.

For further information, contact Raija Betauer, Attorneys, Legal Advisory Services Division. Telephone (202) 447-1880.

Charitable Foundations (7.7445)

Legal Authority: 12 U.S.C. 24.

This ruling permits national banks to establish and contribute to charitable foundations. It does not specifically cover gifts to foundations in the form of grants of the right to receive, for a specified period, income from assets (commonly securities) owned by the bank, although the Office has approved such grants upon request under certain conditions. General rules for such grants are under consideration.

For further information, contact Fred Finke, National Bank Examiner, Commercial Examinations Division. Telephone (202) 447-1164.

Charitable Contributions (7.7479)

Legal Authority: 12 U.S.C. 24.

This ruling limits the amount which a national bank may contribute to charity on a semiannual basis to five percent of income as reported in call reports. The Office is reviewing this interpretation in connection with the review of charitable foundations (7.7445) to determine whether any modification or guidance is neecessary. Subjects under consideration include defining the term charitable, aggregating contributions to charitable trusts and other charities, and modifying or removing the five percent limitation.

For further information, contact Fred Finke, National Bank Examiner, Commercial Examinations Division. Telephone (202) 447-1164.

12 CFR Part 9—Fiduciary Powers of National Banks and Collective Investment Funds

Legal Authority: 12 U.S.C. 92a.

On October 29, 1980, the Office published a series of proposals to amend its rules governing the exercise of fiduciary powers by national banks (45 FR 71571). The proposed amendments concerned the revocation of a bank's fiduciary powers, the retention of fiduciary records, the valuation of collective investment funds assets, marketability requirements for common trust funds, the valuation of short-term investment funds, the dislosure of policies and practices for commissions paid in effecting securities transactions, and the deposit of funds awaiting investment or distribution. The proposal also asked for public comment on any other section of Part 9 felt to be in need of improvement. Comments are under review.

For further information, contact Dean E. Miller, Deputy Comptroller for Specialized Examinations. Telephone (202) 447-1731.

12 CFR Part 11—Securities Exchange Act Disclosure Rules

Legal Authority: 15 U.S.C. 78.

On January 29, 1981, the Office proposed a series of amendments to its securities disclosure regulation (46 FR 9618). The proposed amendments govern such matters as the form and content of financial statements of national banks, prescribed formats for financial

statements and schedules, and requirements prohibiting the falsification of accounting records and misrepresentations by officers and directors of national banks. The proposed amendments are intended to conform the Office's regulations to the corresponding rules of the Securities and Exchange Commission.

For further information, contact David Anderson, Attorney, Securities Disclosure Division. Telephone (202) 447-1954.

12 CFR Part 17—Required Notification To Nominate Bank Directors

Legal Authority: 12 U.S.C. 1 *et seq.*

This regulation states that national banks may adopt bylaws or articles of association that require any shareholder proposing to nominate a director, other than a management nominee, to file certain information in advance with the Office and the bank. A proposal to rescind this regulation was published in the **Federal Register** on April 14, 1980 (45 FR 2478). Because of the comments received on this proposal, the Office is now considering retaining this regulation in revised form. A notice of proposed rulemaking to this effect will be issued shortly.

For further information, contact Jerome Edelstein, Attorney, Legal Advisory Services Division. Telephone (202) 447-1880.

12 CFR Part 20—International Operations

Legal Authority: 12 U.S.C. 1 *et seq.*

This regulation requires prior notification and other reports be given by national banks relating to their international activities. The Office is exploring alternative means of acquiring this information with a view to abolishing the requirements.

For further information, contact William Ryback, Director, International Examinations Division. Telephone (202) 447-1747.

12 CFR Part 21; 12 CFR 7.5225—Minimum Security Devices and Procedures

Legal Authority: 12 U.S.C. 1881-1884.

The Office's existing regulation requires several specific reports and records, refers to effective dates long past, overlaps with an interpretive ruling, and contains unnecessary gender-specific terminology. The Office is considering ways to eliminate certain reporting and recordkeeping requirements, the now meaningless effective dates, and the gender-specific terminology. A proposed amendment, or a more general advance notice of proposed rulemaking, is expected to be issued for comment.

For further information, contact Richard C. Wanlin, Special Assistant to the Chief National Bank Examiner. Telephone (202) 447-1574.

SECTION C: EXISTING REGULATIONS SCHEDULED TO BE REVIEWED

12 CFR Part 8—Assessment of Fees

Legal Authority: 12 U.S.C. 482

The bulk of the funding for the Office's activities is provided by assessments paid semiannually by national banks and District of Columbia banks. The Office's current assessment schedule, adopted in 1976, features a declining marginal rate of assessment. Experience has shown, however, that this system produces assessment revenues that lag behind Office expenses in an inflationary environment. Further, recent statutory changes giving the Office greater flexibility in scheduling examinations also call the current schedule into question. As a result, the Office will be revising its existing assessment schedule in the coming months. No adverse effect on small banks is expected, however.

For further information, contact William A. Longbrake, Deputy Comptroller for Research and Economic Programs. Telephone (202) 447-1920.

12 CFR Part 27—Fair Housing Home Loan Data System

Legal Authority: 15 U.S.C. 1691 *et seq.*; 12 U.S.C. 1 *et seq.*, 481, 1818; 42 U.S.C. 3601 *et seq.*; 5 USC 301.

This regulation requires national banks to record and retain information on the age, race, sex, and marital status of applicants for loans for the purchase, construction, or improvement of residential real property. Its purpose is to gather the data necessary to detect prohibited lending practices. The Office intends to review this regulation to determine whether it is achieving its intended result in view of the reporting and recordkeeping burdens it imposes.

For further information, contact Patrick J. Marr, Consumer Examinations Division. Telephone (202) 447-1600.

SECTION D: RECENT OFFICE REGULATORY ACTIONS

12 CFR Part 5—Rules, Policies, and Procedures for Corporate Activities

As announced in the Office's previous agenda (August 6, 1980), a comprehensive review of rules governing corporate activities and application procedures is in progress. Several revisions of those rules have already been made. These include:

1. Consolidation into a single regulation of the rules, policies, procedures, and forms concerning applications for branches, charters, mergers, capital increases, and a variety of other structural and corporate activities (published October 15, 1980; 45 FR 68586).

2. Adoption of revised chartering policy (published October 15, 1980; 45 FR 68603).

3. Adoption of a new disclosure policy for changes in control of a national bank (published October 15, 1980; 45 FR 68607).

4. Adoption of a new fee schedule for corporate applications (published March 13, 1981; 46 FR 16656).

5. Adoption of a new rule governing public participation in the processing of corporate applications through written comments and hearings (published March 13, 1981; 46 FR 16659).

6. Adoption of a new rule reducing the costs and processing time for applications to establish "interim" national banks (published March 13, 1981; 46 FR 16661).

12 CFR 7.74415—Oaths of Directors

On August 27, 1980, the Office revised this interpretive ruling to eliminate the requirement that national bank directors who are not residents of the state in which the bank is headquartered execute an individual oath in their home state (45 FR 57113). Many of the approximately 4,500 national banks have directors who benefited from that change.

12 CFR Part 8—Assessment of Fees

As part of its comprehensive review of rules and procedures governing corporate activities, the Office published on March 13, 1981, a new hourly trust examination fee to better reflect the full costs of this activity (46 FR 16663).

12 CFR Part 9—Fiduciary Powers of National Banks and Collective Investment Funds

On January 22, 1981, the Office eliminated the requirement that registration statements on Form TA-1 be amended to reflect changes in previously-filed information (46 FR 6864). This amendment anticipated a revision of Form TA-1 by the federal bank regulatory agencies and the Securities and Exchange Commission to reduce substantially the amount of information required.

12 CFR Part 11—Securities Exchange Act Disclosure Rules

On January 22, 1981, the Office adopted amendments to its rules governing tender offers, corporate governance, insider securities purchases through dividend reinvestment plans, and the furnishing of proxy voting advice. These rules were amended to bring Office regulations into conformity with the corresponding rules of the Securities and Exchange Commission, as required by federal law.

12 CFR Part 29—Adjustable Rate Mortgages

On March 27, 1981, the Office issued a new regulation that affirmatively authorized national banks to make residential mortgage loans with interest rates subject to periodic adjustment (46 FR 18932). This rule is intended to help ensure the availability of long-term mortgage funds by allowing lenders more leeway to protect themselves against inflation. The rule also limits the frequency and amount of interest-rate changes and mandates strict disclosure rules for consumers.

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Public Law 96–354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulation," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Knowledgeable Official." Comments or inquiries of a general nature about the agenda itself should be directed to Todd J. Schneider, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8237).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 96–354, the "Regulatory Flexibility Act" (RFA), and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulation," require semiannual publication, in April and October, of an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are or, in the case of the RFA after July 1, 1981, will be under agency review. Customs combined agenda will include a brief description of the subject area of each regulatory project ("project") being considered, the objective and legal basis for the action being taken, the name and telephone number of a knowledgeable agency offical, and where applicable, an approximate schedule for completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, subsequent agendas will show the status of projects referred to in the previously published agenda.

Executive Order 12291 revoked Executive Order 12044, "Improving Government Regulations." However, to maintain continuity with projects previously listed on Customs semiannual agenda of "significant" regulations published on August 1, 1980, pursuant to E.O. 12044 (45 FR 51496), those projects are listed in this combined agenda.

The following is the first semiannual agenda to be published by Customs under the RFA and E.O. 12291. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291. Two of the projects listed as regulations under agency review (Parts 22 and 103, Customs Regulations (19 CFR Parts 22,103)), however, are being considered under the mandate for review of currently effective rules set forth in that Order. The projects that Customs has determined are likely to have the requisite economic impact specified in the RFA are identified by an asterisk to the left of the "Description/Citation" line in the agenda listing and a "(RFA)" at the end of that line.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). If a project is initiated under the foregoing general authority, it is so noted after the heading "Legal Basis" in the body of the agenda item for that project. When appropriate, specific statutory authority is indicated as the legal basis for the project.

In accordance with Department of the Treasury policy, no action, other than preliminary studies, may be taken on any project for which a notice of proposed rulemaking had not been published prior to May 22, 1978, without Secretarial approval of a "work plan." Notice documents for many of the described projects have been published in the **Federal Register** and, therefore, no work plan will be prepared. For those projects, and others which are in an early stage of preparation, no work plans are available to the public. However, projects which either have had work plans approved or are the subject of documents published in the **Federal Register** (FR) as an advance notice of proposed rulemaking (ANPRM), a notice of proposed rulemaking (NPRM), or a final rule—Treasury Decision (T.D.), are identified by work plan number or **Federal Register** citation. Approved work plans are available to the public under the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552), and Part 103, Customs Regulations (19 CFR Part 103). Requests should be addressed to the Regulations Branch U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

By direction of the Secretary of the Treasury.

Dated: April 3, 1981.

William T. Archey,

Acting Commissioner of Customs.

Part I.—*Regulations Under Development*

Description/citation (19 CFR —)	Additional information
Vessels; foreign repairs/§§ 4.7 and 4.14	*Summary:* Revision of requirements and procedures for handling entries relating to foreign repairs and equipment purchases by U.S. vessels. *Objective:* To expedite processing of entries. *Legal Basis:* 19 U.S.C. 1466, 1498, 1514. *Knowledgeable Official:* Alfred Scholle (202-566-5706). *Status:* NPRM published April 4, 1978 (43 FR 14060); T.D. 80-237 published September 30, 1980 (45 FR 64560).
Air Commerce/Parts 6, 10, and others	*Summary:* Establish new rules for (1) duty-free trade in civil aircraft, and (2) dutiability of foreign repairs to, and foreign purchases of parts and materials for, U.S.-registered civil aircraft. *Objective:* To implement Title VI, Civil Aircraft Agreement, of Pub. L. 96-39, "Trade Agreements Act of 1979." *Legal Basis:* General. *Knowledgeable Official:* John Mathis (202-566-5706). *Status:* Work Plan 79-30 approved; NPRM published January 8, 1980 (45 FR 1633); T.D. under development.
Air commerce/§§ 6.3 and 6.8	*Summary:* Simplification and clarification of aircraft clearance procedures. *Objective:* To facilitate clearance of aircraft departing U.S. *Legal Basis:* 49 U.S.C. 1509. *Knowledgeable Official:* John Mathis (202-566-5706).

Part I.—*Regulations Under Development*—Continued

Description/citation (19 CFR —)	Additional information
	Status: Work Plan 79-6 approved; T.D. under development.
Petroleum/Part 10	*Summary:* Regulation of petroleum exports from Canada. *Objective:* Conforming amendment required by Pub. L. 95-159. *Legal Basis:* General. *Knowledgeable Official:* Scott Shreve (202-566-8121). *Status:* T.D. under development.
Endangered species-Antiques/Parts 10 and 12	*Summary:* Provide for importation of specified antique articles otherwise prohibited entry by Endangered Species Act of 1973 at designated ports of entry. *Objective:* Implement provisions of Pub. L. 95-632, "Endangered Species Act Amendments of 1978." *Legal Basis:* 19 U.S.C. 1202. *Knowledgeable Official:* Harrison Feese (202-566-8651). *Status:* Work Plan 79-28 approved; NPRM under joint development by Customs and Fish and Wildlife Service.
Conforming amendments/Parts 10, 12, and others	*Summary:* Conform regulations to provisions of various titles of Pub. L. 96-39, "Trade Agreements Act of 1979." *Objective:* Miscellaneous amendments required by the Trade Agreements Act of 1979. *Legal Basis:* General. *Knowledgeable Official:* Benjamin Mahoney (202-566-5765). *Status:* Work Plan 79-31 approved; T.D. 80-271 published November 17, 1980 (45 FR 75639).
Carnets (E.C.S./A.T.A.)/Parts 10 and 114	*Summary:* Substitute use of A.T.A. carnet for E.C.S. carnet in relation to the entry of commercial samples. *Objective:* United States withdrawal from Customs Convention on E.C.S. carnets (TIAS 6632) and accession to the Convention on A.T.A. carnets (TIAS 6631). *Legal Basis:* General *Knowledgeable Official:* Jerrald Worley (202-566-8551). *Status:* NPRM under development.
*Entry of American goods exported and returned/Parts 10 and 143 (RFA)	*Summary:* Establish informal entry procedures for certain American goods returned, not advanced in value or improved in condition while abroad. *Objective:* To implement provisions of Pub. L. 96-609. *Legal Basis:* 19 U.S.C. 1481, 1484, 1498. *Knowledgeable Official:* Herbert Geller (202-566-5307). *Status:* Work Plan under development.
Entry of noise-emitting merchandise; standards and labeling/Part 12	*Summary:* Regulations to administer the EPA noise emission standard and labeling requirements on certain imported merchandise. *Objective:* To implement provision of Pub. L. 92-572, "Noise Control Act of 1972." *Legal Basis:* General. *Knowledgeable Official:* Harrison Feese (202-566-8651). *Status:* NPRM pending development by Customs and EPA.
Importation of motor vehicles § 12.73	*Summary:* Conform regulations governing importation of motor vehicles under Clean Air Act to proposed EPA amendments on Federal emission standards. *Objective:* To implement provisions of "Clean Air Act of 1955" as amended by Pub. L. 95-95. *Legal Basis:* 19 U.S.C. 1484. *Knowledgeable Official:* Harrison Feese (202-566-8651). *Status:* NPRM published in Federal Register on July 21, 1980 (45 FR 48817); extension of comment period until December 3, 1980, published September 30, 1980 (45 FR 64601); public comment under consideration by Customs and EPA.
Entry of electronic products/§§ 12.90 and 12.91	*Summary:* Implement FTC labeling requirements for certain imported electronic products. *Objective:* To implement provisions of Pub. L. 93-253, "Pubic Health Service Act." *Legal Basis:* General. *Knowledgeable Official:* Darrell Kast (202-566-5765). *Status:* NPRMs published September 5, 1975 (40 FR 41116) and July 27, 1976 (41 FR 31223); procedures pending consideration by Customs and FTC.
Entry of energy-using products; labeling/§ 12.92	*Summary:* Implement FTC labeling requirements for certain imported energy-using products. *Objective:* Required by provisions of Pub. L. 94-163, "Energy Policy Conservation Act." *Legal Basis:* General. *Knowledgeable Official:* Harrison Feese (202-566-8651). *Status:* NPRM under consideration by Customs and FTC.
*Transportation of merchandise bond; Customs seals/Parts 18 and 24 (RFA).	*Summary:* Provide new standards for Customs in acceptance of car, compartment, and package seals. *Objective:* To establish uniform comprehensive seal standards and simplify procedure for Customs acceptance of seals. *Legal Basis:* 19 U.S.C. 1552, 1553. *Knowledgeable Official:* Allard P. D'Heur (202-566-5354). *Status:* Notice of suspension of Customs approval of new seals and request for comment published January 12, 1978 (43 FR 1806); T.D. under development, tentative publication Summer 1981; no RFA analyses required.
*In-bond transportation of merchandise/Parts 18, 123, and 144 (RFA)	*Summary:* Change time limits and other rules relating to in-bond transportation of merchandise. *Objective:* To give Customs greater control over merchandise transported in bond. *Legal Basis:* 19 U.S.C. 1552, 1553, 1557, 1623. *Knowledgeable Official:* J. Bradley Lund (202-566-5354). *Status:* NPRM published August 13, 1976 (41 FR 34271); second NPRM under development.
*Transportation in bond; short shipments/§ 18.6 (RFA)	*Summary:* Require entry, for statistical purposes, of merchandise at port of destination in event of nondelivery to Customs of entire shipment or one or more packages in shipment, even if merchandise not recovered intact. *Objective:* Implement provision of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978." *Legal Basis:* 19 U.S.C. 1484, 1552, 1553. *Knowledgeable Official:* William Marchi (202-556-2957). *Status:* Work Plan in review in Customs.
*Transportation in bond/§ 18.8 (RFA)	*Summary:* Increase amount of liquidated damages required by carrier's bond for shortage, failure to deliver or irregular delivery of duty-free merchandise. Carrier also would be liable for duty on dutiable merchandise, as well as liquidated damages. *Obective:* To clarify carrier's obligations under required bond and provide for liquidated damages as deterrent to violations. *Legal Basis:* 19 U.S.C. 1551, 1623. *Knowledgeable Official:* William Rosoff (202-566-5856). *Status:* Work Plan 79-11 approved; NPRM published December 30, 1980 (45 FR 85780); T.D. under development; tentative publication Summer 1981; no RFA analyses required.
*Customs warehouses and container stations; fees/Parts 19 and 24 (RFA)	*Summary:* Increase fee accompanying application to establish bonded warehouse, require fee with application to alter existing bonded warehouse or to establish container station. *Objective:* Recover costs of services from recipients directly receiving benefits beyond those accruing to general public. *Legal Basis:* 31 U.S.C. 483a.

Part I.—*Regulations Under Development*—Continued

Description/citation (19 CFR —)	Additional information
	Knowledgeable Official: John Holl (202-566-5354). *Status:* NPRM published in the Federal Register July 10, 1980 (45 FR 46442); T.D. under development, tentative publication Summer 1981; no RFA analyses required.
Drawback; identification of entries/Part 22	*Summary:* Require drawback entries to be identified at time of entry. *Objective:* To reduce delays in processing drawback claims. *Legal Basis:* 19 U.S.C. 1313; 31 U.S.C. 483a. *Knowledgeable Official:* George Steuart (202-566-5856). *Status:* Project withdrawn.
Drawback; bulk-fungible goods/§ 22.5	*Summary:* Allow drawback without actual use of bulk-fungible goods if substituted for goods of same kind/quality. *Objective:* To extend to other articles privileges now applicable to petroleum products. *Legal Basis:* General. *Knowledgeable Official:* Donald Beach (202-566-5856). *Status:* Project withdrawn.
*Customs Financial and Accounting Procedure/§ 24.2(RFA)	*Summary:* Require Electronic Funds Transfer (EFT) on deferred imported wine and liquor excise taxes for qualified parties. *Objective:* To minimize interest cost to Government by more expeditious processing of deposits. *Legal Basis:* 19 U.S.C. 1623; 26 U.S.C. 5007, 5054, 5061, 7805. *Knowledgeable Official:* Robert Hamilton (202-566-2596). *Status:* Work Plan under development.
Entry of merchandise/Parts 24, 141, 142, 144	*Summary:* To reduce the 10-working day period during which estimated duties must be deposited after merchandise is released under an entry or a permit for immediate delivery. *Objective:* To improve the Government's cash flow by earlier collection of duties. *Legal Basis:* 19 U.S.C. 1484, 1505, 1557. *Knowledgeable Official:* Benjamin Mahoney (202-566-5765). *Status:* Project withdrawn.
Customs accounting procedures, Bonds/Parts 24 and 113	*Summary:* Charge interest on delinquent accounts of importers and others with Customs. *Objective:* To encourage importers to pay Customs bills promptly and thereby improve cash flow. *Legal Basis:* 19 U.S.C. 1623. *Knowledgeable Official:* Robert B. Hamilton (202-566-2598). *Status:* Work Plan 80-2 approved; NPRM under development.
*Customhouse brokers/Part 111 (RFA)	*Summary:* Amend regulations relating to responsibilities of customhouse brokers. *Objective:* To clarify responsibilities of customhouse brokers and to ensure uniform compliance with applicable regulations. *Legal Basis:* 19 U.S.C. 1641. *Knowledgeable Official:* Edward Gable (202-566-5865). *Status:* Work Plan 79-5 approved; NPRM conditional pending review of related legislative proposals.
Carriers of bonded merchandise/§ 112.11	*Summary:* Revise criteria for designating private carriers of bonded merchandise to require only that they file bonds and transport their own property. *Objective:* To lessen restrictions of prior regulation. *Legal Basis:* 19 U.S.C. 1551. *Knowledgeable Official:* Donald Beach (202-566-5856). *Status:* Work Plan 79-10 approved; NPRM published October 27, 1980 (45 FR 70907); T.D. under development.
*Customs Bonds/Part 113 (RFA)	*Summary:* Consolidation of Customs bonds and related forms. *Objective:* To simplify bond structure and language preparatory to expansion of AMPS program. *Legal Basis:* 19 U.S.C. 1623. *Knowledgeable Official:* Joseph Goody (202-566-4464). *Status:* ANPRM under development.
Customs bonds, letter of credit/Part 113	*Summary:* Authorize use of letter of credit in lieu of foreign-trade zone bond to guarantee payment of claims made by Customs against a foreign-trade zone operator. *Objective:* To facilitate use of foreign-trade zones. *Legal Basis:* 19 U.S.C. 81c, 1623. *Knowledgeable Official:* William Rosoff (202-566-5856). *Status:* NPRM under development (consolidated with "Trade fairs", § 147.45, below).
Contiguous countries, manifest discrepancies/§ 123.9	*Summary:* Establish uniform procedures for handling manifest discrepancies of vehicles and certain vessels arriving from contiguous countries. *Objective:* To facilitate entry of vessels and vehicles from Canada or Mexico. *Legal Basis:* General. *Knowledgeable Official:* Donald Reusch (202-566-5706). *Status:* NPRM published July 28, 1978 (43 FR 32817); T.D. 80-236 published September 29, 1980 (45 FR 64172).
*Contiguous countries, railroad equipment/§ 123.12 (RFA)	*Summary:* Admission of empty foreign railroad equipment without entry and payment of duty in certain instances. *Objective:* To clarify permitted use of foreign railroad equipment. *Legal Basis:* General. *Knowledgeable Official:* Michael Tomenga (202-566-5706). *Status:* Work Plan under development.
*Contiguous countries; manifest validation/§§ 123.41 and 123.42 (RFA)	*Summary:* Require truck driver carrying merchandise between U.S. and Canada to present manifest for validation by U.S. Customs at U.S. port of departure. *Objective:* Jointly initiated by U.S. and Canadian Customs to prevent evasion of duty when merchandise re-enters U.S. from Canada on in-transit documentation. *Legal Basis:* 19 U.S.C. 1553, 1554. *Knowledgeable Official:* J. Bradley Lund (202-566-5354). *Status:* NPRM published December 9, 1976 (41 FR 53810); second NPRM published August 20, 1980 (45 FR 55474); T.D. under development, tentative publication Summer 1981; no RFA analyses required.
Copyright/Part 133	*Summary:* Amendments to regulations relating to recordation of copyrights with Customs. *Objective:* To implement provisions of Pub. L. 94-533, "Copyright Act of 1976." *Legal Basis:* 17 U.S.C. 1603. *Knowledgeable Officials:* Samuel Orandle (202-566-5765). *Status:* NPRM under joint development by Customs and Copyright Office.
*Entry of Merchandise; Special Customs Invoice/Part 141 (RFA)	*Summary:* Eliminate submission of the Special Customs Invoice (CF 5515) when certain merchandise imported. *Objective:* To reduce paperwork needed to enter goods into the United States. *Legal Basis:* 19 U.S.C. 1481, 1484. *Knowledgeable Official:* Herber Geller (202-566-5307). *Status:* Work Plan under development.
*Entry of merchandise; special permits for immediate delivery/Parts 141 and 142 (RFA).	*Summary:* Revise Consumption Entry (Customs Form 7501) to accommodate new entry procedures. *Objective:* To implement provisions of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978." *Legal Basis:* 19 U.S.C. 1484. *Knowledgeable Official:* William Wagner (202-566-5307). *Status:* Work Plan 80-18 approved; NPRM to proceed pending feasibility study.
*Entry of certain benzenoid chemicals/Parts 141 and 152 (RFA)	*Summary:* Require importers to furnish unique Chemcial Abstract Service Registry Number on commercial invoice for certain benzenoid chemicals and products. *Objective:* To implement provisions of Title II, Pub. L. 96-39, "Trade Agreements Act of 1979."

Part I.—*Regulations Under Development*—Continued

Description/citation (19 CFR —)	Additional information
	Legal Basis: 19 U.S.C. 1481. *Knowledgeable Official:* William Marchi (202-566-2957). *Status:* Work plan 80-15 approved; NPRM under development.
Entry of Merchandise/§ 141.1 (RFA)	*Summary:* Permit an importer who uses a broker's service to satisfy obligations to broker and Customs by making payment with two separate checks. *Objective:* To afford importer an optional method of payment to broker and Customs. *Legal Basis:* 19 U.S.C. 197, 198, 1505. *Knowledgeable Official:* James Bartley (202-566-5765) *Status:* NPRM published July 2, 1979 (44 FR 38571); action delayed pending further study of comments and issues.
*Entry of merchandise/§ 141.89 (RFA)	*Summary:* To revise the additional information required on entry of footwear. *Objective:* To assist Customs in the appraisement and classification of imported footwear. *Legal Basis:* 19 U.S.C. 1202, 1481, 1484. *Knowledgeable Official:* William Marchi (202-566-2957). *Status:* NPRM published July 28, 1978 (43 FR 32819); after consideration of comments and further study, a second NPRM under development.
*Entry of merchandise; bonds/Part 142 (RFA)	*Summary:* Acceptance of formal entries with unsecured bonds for certain importations. *Objective:* Decrease costs to importer of merchandise valued less than $1000. *Legal Basis:* 19 U.S.C. 1623. *Knowledgeable Official:* Herbert Geller. (202-566-5307). *Status:* Work plan under development.
*Consumption, appraisement, and informal entries; importations/Parts 143 and 145 (RFA).	*Summary:* Allow district directors of Customs discretion to require formal entry of mail merchandise valued st $250 or less in cases other than those involving protection of revenue. *Objective:* To administer Customs and other agency programs more efficiently. *Legal Basis:* 19 U.S.C. 1484, 1498. *Knowledgeable Official:* Herbert Geller (202-566-5307). *Status:* Work Plan under development.
*Foreign-trade zones/§ 146.25 (RFA)	*Summary:* Remove zone-restricted status from merchandise admitted to foreign-trade zone from Customs bonded warehouse. *Objective:* Permit use of formerly "zone-restricted" merchandise in zone manufacturing operations. *Legal Basis:* 19 U.S.C. 1557 (a). *Knowledgeable Official:* Russel Berger (202-566-5856). *Status:* Work Plan under development.
Trade Fairs/§ 147.45	*Summary:* Removal of trade fair merchandise from foreign-trade zones for consumption without permission of Foreign-Trade Zones Board. *Objective:* Amendments required to implement provisions of Pub. L. 91-692. *Legal Basis:* 19 U.S.C. 81h. *Knowledgeable Official:* William Rosoff (202-566-5856). *Status:* NPRM under development (consolidated with "Customs bonds, letter of credit," Part 113, above).
Registration of merchandise/§ 148.1	*Summary:* New instructions for registration of personal effects taken abroad. *Objective:* To ensure uniform registration procedures. *Legal Basis:* 19 U.S.C. 1498. *Knowledgeable Official:* Joseph O'Gorman (202-566-8157). *Status:* Work Plan 80-22 approved; NPRM under development.
Personal declarations and exemptions/§ 148.73	*Summary:* Execution of written baggage declarations by military personnel. *Objective:* To conform Customs and DOD regulations. *Legal Basis:* General. *Knowledgeable Official:* Donald Thompson (202-566-8164). *Status:* Work Plan in Customs review.
Examination of merchandise/§ 151.2	*Summary:* Expand Accelerated Cargo Clearance and Entry Processing Test (ACCEPT), an automated selective merchandise examination system, to various ports of entry. *Objective:* Facilitate movement of merchandise by fewer but more intensive examinations. *Legal Basis:* 19 U.S.C. 1202, 1499. *Knowledgeable Official:* Frank Principe (202-566-5354). *Status:* Work Plan 79-20 approved; NPRM published November 19, 1980 (45 FR 76449); T.D. under development.
Appraisement of merchandise/Part 152	*Summary:* Amendments required by new International Valuation Code agreed to in Multilateral Trade negotiations. *Objective:* To implement Title II, Customs Valuation, of Pub. L. 96-39, "Trade Agreements Act of 1979." *Legal Basis:* General. *Knowledgeable Official:* Thomas Lobred (202-566-8181). *Status:* Work Plan 79-26 approved; NPRM published March 31, 1980 (45 FR 20912); T.D. 81-7 published January 12, 1981 (46 FR 2597).
Recordkeeping, inspection, search, and seizure/§ 162.47	*Summary:* Waiver of bond requirements by district director for individuals who show proof of inability to obtain bond. *Objective:* Decisions of U.S. Courts of Appeals, *Wiren v. Eide*, 542 F. 2d 757 (9 Cir. 1976), and *Lee & Rich v. Thornton*, 538 F. 2d. 27 (2 Cir. 1976). *Legal Basis:* General. *Knowledgeable Official:* Joseph Priddy (202-566-5746). *Status:* T.D. 81-1 published December 24, 1980 (45 FR 84993).

*Projects noted with an asterisk and designated "(RFA)" are subject to the provisions of the Regulatory Flexibility Act.

Part II—*Existing Regulations To Be Reviewed*

	Discussion
Bonds/Part 18	*Summary:* Transportation in bond and merchandise in transit. *Objective:* To ensure consistency of format and style. *Knowledgeable Official:* George Steuart (202-566-5856). *Status:* Work on project suspended temporarily.
Finance/Part 24	*Summary:* Customs financial and accounting procedure. *Objective:* To ensure consistency of format and style. *Knowledgeable Official:* Marvin Amernick (202-566-8237). *Status:* Work on project suspended temporarily.
Duties/Parts 10 and 54	*Summary:* Articles conditionally free, subject to reduced rate, etc., and certain importations temporarily free of duty. *Objective:* To ensure consistency of format and style. *Knowledgeable Official:* Marvin Amernick (202-566-8237). *Status:* Work on project suspended temporarily.
Freedom of Information/Part 103	*Summary:* Availability of information. *Objective:* To conform to amendments to Freedom of Information Act made by Pub. L. 93-502.

Part II—*Existing Regulations To Be Reviewed*—Continued

	Discussion
	Knowledge Official: Steven Pinter (202-566-8681).
Drawback/Part 22	*Status:* NPRM published August 20, 1979 (44 FR 48709); T.D. in Customs review.
	Summary: Drawback.
	Objective: To modernize procedures relating to claims for drawback.
	Knowledgeable Official: George Steuart (202-566-5856).
	Status: NPRM under development.

[FR Doc. 81-11073 Filed 4-14-81; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Ch. I

Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service (IRS).

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development or review.

SUMMARY: This semiannual agenda lists the regulations determined as of March 1, 1981, that the Internal Revenue Service will be developing from March 1, 1981 through September 30, 1981. The purpose of this semiannual agenda is to give the public adequate notice of Internal Revenue Service regulatory activities.

FOR FURTHER INFORMATION CONTACT: George H. Bradley, Chief, Technical Section, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, Attention: CC:LR:T. 202-566-3486, not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Treasury Directive 50-04.F, "Criteria and Procedures for the Preparation, Review, and Approval of Regulations," and section 602 of the Regulatory Flexibility Act and the Treasury Directive implementing that Act all require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. In addition, Executive Order 12291 contains a similar requirement. However, at the time this agenda was prepared, a temporary exemption from the requirements of Executive Order 12291 had been granted to and was in effect for the Internal Revenue Service and the extent of any permanent exemption for the Service was unresolved. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** of Thursday, October 15, 1981.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service as of February 28, 1981, for the development of regulations to appear in the Code of Federal Regulations. This agenda is divided into four parts. Part I lists existing regulations under development by the Legislation and Regulations Division, Office of the Chief Counsel. Part II lists existing regulations under development by the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel. Part III lists separately projects also appearing in Part I or Part II under which existing regulations are to be reviewed pursuant to paragraph 12 of the Treasury Directive 50-04.F. Part IV lists the various regulation projects closed since August 31, 1980, which was the closing date with respect to which the last semiannual agenda of the Internal Revenue Service was prepared. All other projects appearing on the last semiannual agenda are reported in Parts I, II, or III, as the case may be, of this semiannual agenda. A table defining abbreviations used throughout this agenda and a second table listing attorneys (and their telephone numbers) within the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division follow Part IV. Regulations are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) in order to provide necessary guidance to Internal Revenue Service personnel who administer the law and to the public who must comply with the law. Additionally, in some instances the specific sections of the Internal Revenue Code of 1954 and the sections of the act of Congress given in this agenda with respect to projects may specifically require or authorize regulations. Each of the regulation projects within each part of this agenda is listed in order by reference to the first section of the Internal Revenue Code of 1954 to which the project is in important measure addressed. The following information is disclosed in columnar form with respect to each regulation project.

1. *1954 Code Section, File Number, and RFA.* The first column lists sections of the Internal Revenue Code of 1954 (Code) with which the subject project is directly concerned and the file number of the Internal Revenue Service under which the project is maintained. If the project is subject to the Regulatory Flexibility Act, the note "RFA" appears in this column.

2. *Subject, Drafter, and Reviewer.* The second column names the part of title 26 of the Code of Federal Regulations to be amended, describes briefly the subject of the regulation, names each section of each act of Congress (if any) which gives rise to the project, and names the drafting and reviewing attorneys (in that order) within the Legislation and Regulations Division or Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, who are responsible for drafting the regulation. As appropriate, the reviewing attorney within the Office of Tax Legislative Counsel or Office of International Tax Counsel, Department of the Treasury, is also named. Where a section of an act of Congress is specified in connection with a project, that project is necessary to provide regulations under the amendments to the Code made by that section of the act. In all other cases, regulations are needed under the Code sections named to provide corrective or clarifying changes in existing regulations relating to the subject matter.

3. *Office in Which Pending and Status.* The third column names the office or offices within the Internal Revenue Service and/or the Department of the Treasury in which the project is presently under consideration and describes the status of the project.

4. *Priority and Regulatory Analyses.* The fourth column discloses the relative degree of importance and necessity for publication assigned to the regulation. A priority of #1 shows that the project is of substantial importance; a priority of #2 shows that the project is of medium importance; and a priority of #3 shows that the project is of lesser importance. If the regulation project is subject to the Regulatory Flexibility Act and a notice of proposed rulemaking has been published with respect to the project, a target date for publication of final regulations appears in this column. If a regulatory analysis or a regulatory flexibility analysis is required for a project, a note to this effect and whether the regulatory analysis or regulatory flexibility analysis has been prepared appears in this column.

Dated: March 25, 1981.

By direction of the Secretary of the Treasury.

Roscoe L. Egger, Jr.

Commissioner of Internal Revenue.

Part I.—*Regulations Under Development in the Legislation and Regulations Division*

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
Sections 3, 4, 144, LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (sections 206, 301 (b), (c), Rev. Act 1971; section 501, TRA 1976) (Haglund/Saverude).	LR—In LR for prep of notice	2
Sections 11, 21, LR-33-76	Inc. Tax—Part 1—Corporate tax rates and surtax exemptions (Rev. Adj. Act 1975, section 4; TRA 1976, section 901 (a), (c)(2)) (Murphy/Saverude).	LR—In LR for prep of notice	2
Sections 44C, 6050D, LR-74-80	Inc. Tax—Part 1—Secretarial authority under residential energy credit (Crude Oil Windfall Profit Tax Act 1980, section 201(b)) (Woo/Bromell—TLC-Schuldinger/Roche).	LR—10/15/80 Notice pub. 4/30/81 Hrg. to be held.	1
Section 44D, LR-75-80	Inc. Tax—Part 1—To add provisions under Code of sec. 44D (relating to credit for producing fuel from a nonconventional source) to conform to sec. 231, Crude Oil Windfall Profit Tax Act of 1980 (Mix/Francis).	LR—In LR for prep of notice	2
Sections 46, 47, LR-92-73	Inc. Tax—Part 1—Tax treatment of mass assets for investment credit purposes (Weinstein/Blumkin).	Treas.—11/15/79 Notice to Treas. for formal approval.	2
Sections 46, 47, 48, LR-73-75	Inc. Tax—Part 1—Change in investment credit (sections 301, 302, 604, TRA 1975, Pub. L. 94-12) (Weinstein/Whedbee—TLC-Sims).	TLC—1/30/79 Notice pub. 6/27/79 Hrg. held 9/10/80 Draft of T.D. to TLC and T:C 10/21/80 Comments from T:C.	2
Section 46, LR-169-79	Inc. Tax—Part 1—Investment credit for commuter highway vehicles (Energy Tax Act 1978, section 241(a)) (Weinstein/Duffy—TLC-Schuldinger/Roche).	LR—In LR for prep of notice	2
Section 46(a), LR-150-80	Inc. Tax—Part 1—Changes made by sections 222(a) and 223(b) of the Crude Oil Windfall Profit Tax Act of 1980 (Pearson/Whedbee).	LR—In LR for prep of notice	2
Section 46 (f), (i), LR-241-74	Inc. Tax—Part 1—Ratemaking treatment of certain public utility property (Rosenthal/Parcell—TLC-Gallagher).	LR—In LR for prep of notice	2
Section 46(g), LR-248-76	Inc. Tax—Part 1—Investment credit in the case of certain ships (TRA 1976, section 805).	LR—In LR for prep of notice	3
Sections 46, 47, LR-4-78	Inc. Tax—Part 1—Investment credit for cooperatives (TRA 1978, section 316) (Kissel/Blumkin—TLC-Shakow).	TLC—9/15/80 Draft of notice to TLC and T:C 10/22/80 Comments from T:C.	2
Section 48(l), LR-79-80	Inc. Tax—Part 1—Definition of energy property, to reflect addition by sec. 222(h) of the Crude Oil Windfall Profit Tax Act 1980 of qualified intercity buses as category of property for business energy credit (Weinstein/Blumkin—TLC-Schuldinger/Roche).	LR—In LR for prep of notice	1
Section 48, LR-228-78	Inc. Tax—Part 1—Definition of new and used sec. 38 property (Swift/Whedbee—TLC-Sims).	CC/JDS—11/28/80 Notice pub. 2/23/81 T.D. to CC/JDS for formal approval.	2
Section 48, LR-88-79	Inc. Tax—Part 1—Single purpose agricultural structure (RA 1978, section 314) (Swift/Blumkin—TLC-Sims).	LR—1/23/81 Notice pub.	
Section 48, LR-191-78	Inc. Tax—Part 1—Investment credit for rehabilitated structures (RA 1978, section 315) (Murphy/Woo—TLC-Goodman).	LR—10/28/80 Notice pub. 3/31/81 Hrg. to be held.	1
Section 48(a)(3), LR-143-80	Inc. Tax—Part 1—Definition of films that are "topical or otherwise esentially transitory in nature" (Axelrod/Blumkin).	Treas—1/22/81 Notice to Treas. for formal approval.	2
Section 48(l); LR-80-80	Inc. Tax—Part 1—Definition of energy property qualifying for business energy credit (Crude Oil Windfall Profit Tax Act 1980, section 222(a)) (Pearson/Whedbee).	LR—In LR for prep of notice	2
Section 48(l), LR-176-80	Inc. Tax—Part 1—Special rules added by sec. 223(c) of the Crude Oil Windfall Profit Tax Act of 1980, relating to reduction of credit where property is financed by subsidized energy financing or industrial development bonds (Pearson/Blumkin).	LR—2/18/81 Draft of notice ret'd. to LR for revision.	1
Section 48(l), LR-81-80	Inc. Tax—Part 1—Definition of energy property; Items qualifying under alternative energy property (Crude Oil Windfall Profit Tax Act 1980, section 222 (b), (g), and (d)) (Pearson/Whedbee—TLC-Schuldinger/Roche).	LR—In LR for prep of notice	2
Section 48(l)(5), LR-78-80	Inc. Tax—Part 1—Definition of energy property; Criteria to be used by the Secretary in adding items to the list of specially defined energy property (Crude Oil Windfall Profit Tax Act 1980, section 222(d)) (Pearson/Blumkin—TLC-Schuldinger/Roche).	LR—1/7/81 Notice pub. 4/30/81 Hrg. to be held.	1
Sections 50A, 50B, LR-200-78	Inc. Tax—Part 1—Relating to WIN credit (RA 1978, section 322) (Charnas/Bromell—TLC-Yecies).	TLC—4/30/80 Notice pub. 8/8/80 Draft of T.D. to TLC and T:C 9/2/80 Comments from T:C.	2
Section 51, LR-199-78	Inc. Tax—Part 1—Amount of jobs credit (RA 1978, section 321) (Charnas/Woo—TLC-Yecies).	TLC—12/28/79 Notice pub. 4/24/80 Hrg. held 7/8/80 Draft of T.D. to TLC and T:I 7/16/80 Comments from T:I.	1
Sections 55, 3(b), 5(a), 57 (a), (b), 58(g)(2), 441(b), 443(d), 453(c), 511(d), 666 (b), (c), 871(b), 877(b), 904(h), 6015(c), 6363(b), 6654(f), LR-210-78.	Inc. Tax—Part 1—Alternative minimum tax (RA 1978, sections 401(b)(1), 421, 423; Technical Corrections Act 1979, sections 104(a)(4), 107(a)(1)(A); Pub. L. 96-603, sec. 4) (Clark/Smith).	LR—In LR for prep of notice	2
Sections 56, 57, 58, LR-151-76	Inc. Tax—Part 1—Minimum tax (TRA 1976, section 301; TR&SA, section 308; RA 1978, section 421 (b), (c), 423, 701; Technical Corrections Act 1979, section 107(a)(1)(C)) (Coplan/Smith—TLC-Goodman).	TLC and T:I—2/17/81 Rev. draft of notice to TLC and T:I.	2
Section 57, LR-209-78	Inc. Tax—Part 1—Minimum tax—TRA 1976, section 301; TR&SA 1977, section 308, Energy Tax Act 1978, sections 402, 403; RA 1978, section 422) (Coplan/Smith.	LR—In LR for prep of notice	2
Section 61, LR-87-78	Inc. Tax—Part 1—Gross income—Taxation of fringe benefits (Bosco/Fischer—TLC-Krupsky).	TLC and T:I—12/17/80 Rev. draft of notice to TLC and T:I 1/30/81 Comments from T:I.	1
Section 61, LR-194-77	Inc. Tax—Part 1—Nonqualified salary reduction agreements (———/Dickinson—TLC-Sorensen).	LR—2/3/78 Notice pub. 5/4/78 Hrg. held 6/11/79 News Release issued soliciting further comment 11/27/79 Hrg. held.	1
Sections 61, 162, 174, 263, 471, LR-253-76	Inc. Tax—Part 1—Prepublication expenditures of publishers (Keesler/Fischer—TLC—Roche).	TLC—4/9/79 Draft of notice to TLC and T:C 4/18/79 Comments from T:C.	2
Section 72, LR-19-80	Inc. Tax—Part 1—Unisex annuity tables (Parcell/Fischer—TLC-Krupsky)	LR—In LR for prep of notice	2
Section 79, LR-42-78	Inc. Tax—Part 1—Group term life insurance—Evidence of insurability (Parcell/Fischer—TLC-Cunningham).	TLC, E:A 7/30/80 Draft of notice to TLC, T:I, E:A 9/3/80 Comments from T:I 11/21/80 Memo from Treas. to CC.	1
Section 83, LR-95-77	Inc. Tax—Part 1—Reporting requirements for nonqualified stock options (TRA 1969, section 321) (Schmalz/Fischer—TLC-Sorensen).	TLC—9/20/77 Notice pub. 3/20/78 Hrg. held 9/24/79 Withdrawal notice to TLC and T:I 8/15/79 Comments from T:I.	2
Sections 103, 61, 162, 163, 165, 171, 249, 1232, LR-70-77.	Inc. Tax—Part 1—To provide for the tax consequences of refunding industrial development bonds to the issuer, bondholder and industrial user (Thompson/Coulter—TLC-Krupsky).	TLC and T:I—12/6/77 Notice pub. 3/15/78 Hrg. held 2/6/79 2d Notice pub. 5/1/80 Draft of revised notice to TLC and T:I.	1
Section 103(a), LR-8-73	Inc. Tax—Part 1—To revise the definition of "on behalf of" (MacMaster/Coulter—TLC-Melton).	TLC—2/2/76 Notice pub. 4/26/76 Hrg. held 2/20/80 Rev. draft of T.D. to TLC.	1
Section 103(b)(4), LR-190-78	Inc. Tax—Part 1—Exemption for industrial development bonds for water facilities (RA 1978, sections 332, 333) (Tolleris/Coulter—TLC-Krupsky).	TLC and T:I—10/9/80 Draft of notice to TLC and T:I.	2
Section 103-8, LR-182-79	Inc. Tax—Part 1—To clarify the "substantially all" test (Carney/Coulter—TLC-Gallagher).	TLC and Tech—9/17/80 Draft of notice to TLC and Tech.	2
Section 103-10, LR-245-79	Inc. Tax—Part 1—To provide "timing" requirements for exempt small issues (Ausness/Coulter—TLC-Gallagher).	TLC and Tech—8/21/80 Draft of T.D. to TLC and Tech.	2
Section 103-8, LR-51-79	Inc. Tax—Part 1—To clarify the "public use" and "functionally related" requirements (Wold/Coulter).	TLC and Tech—1/29/81 Draft of notice to TLC and Tech.	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
Section 103(b)(8), LR-87-80	Inc. Tax—Part 1—Exemption for industrial development bonds for qualified hydro-electric generation facilities (Crude Oil Windfall Profit Tax Act 1980, section 242) (Tolleris/Coulter).	LR—In LR for prep of notice	2
Section 103(b), LR-11-76	Inc. Tax—Part 1—To determine rules relating to acquisition of exempt facilities by a regional authority (MacMaster/Coulter—TLC-Gallagher).	TLC—6/28/77 Draft of notice to TLC and T:C, T:I 10/15/77 Comments from T:C 1/23/78 Comments from T:I.	2
Section 103(b), LR-59-74	Inc. Tax—Part 1—To define the term "principal user of a facility (Tolleris/Coulter—TLC-Gallagher).	Treas.—1/15/81 Notice to Treas. for formal approval.	1
Section 103(b)(6)(D), LR-117-79	Inc. Tax—Part 1—Increase in limit on small issues of industrial development bonds (RA 1978, section 331) (Tolleris/Coulter—TLC-Gallagher).	TLC—12/19/79 Final draft of notice to TLC and T:I 7/10/80 Comments from T:I.	1
Section 103(b), LR-9-75	Inc. Tax—Part 1—to clarify the definition of property which is a pollution control facility (MacMaster/Coulter—TLC-Roche).	TLC and T:C—8/20/75 Notice pub. 11/21/75 Hrg. held 1/13/81 Rev. draft of T.D. to TLC and T:C.	1
Section 103-10(b)(2), LR-50-80	Inc. Tax—Part 1—Manner of electing $10 million limitation on exempt small issues (Tolleris/Coulter—TLC-Gallagher).	T:I—1/23/81 Draft of notice to TLC and T:I 2/6/81 Comments from TLC.	
Section 103(c), LR-101-79	Inc. Tax—Part 1—To make changes to rules relating to arbitrage bonds (Flanagan/Coulter—TLC-Goodman).	LR—12/29/80 Notice to DED for formal approval.	2
Section 103(e), LR-6-81	Inc. Tax—Part 1—Effective date of provisions relating to hotels adjacent to airports (MacMaster/Coulter—TLC-Gallagher).	TLC and T:I—1/23/81 Draft of notice to TLC and T:I.	2
Section 103-8(f), LR-100-75	Inc. Tax—Part 1—To clarify the definition of property that is a solid waste disposal facility and to conform to statutory exemption for industrial development bonds for qualified steam-generating or alcohol-producing facilities (Crude Oil Windfall Profit Tax Act 1980, section 241) (MacMaster/Coulter—TLC-Roche).	TLC—1/18/79 Draft of notice to TLC and T:C 3/14/79 Comments from T:C.	1
Sections 104(a), (b), 105(d), LR-159-76	Inc. Tax—Part 1—Changes in exclusion for sick pay and certain military, etc. disability pensions; certain disability income (TRA 1976, section 505; TR&SA, section 301) (Parcell/Fischer—TLC-Krupsky).	TLC—7/9/80 Notice pub. 11/12/80 Draft of T.D. to TLC and T:I 12/16/80 comments from T:I.	2
Sections 108 (b)(5), (d)(7), 1398(d)(3), LR-27-81.	Inc. Tax—Part 7a—Temp. Regs.—Relating to elections under the Bankruptcy Tax of 1980, sec. 7 (Pub. L. 96-589) (Kissel/Whedbee).	LR—In LR for prep of T.D	1
Section 118(b), LR-136-76	Inc. Tax—Part 1—Contributions in aid of construction for certain utilities (TRA 1976, section 2120; TRA 1978, section 364 (Levine/Blumkin—TLC-Gallagher).	Commr.—5/30/78 Notice pub. 9/27/78 Hrg. held 1/16/81 Revised notice to Commr. for formal approval.	1
Section 124, LR-193-78	Inc. Tax—Part 1—Exclusion from gross income of value of qualified transportation provided by employer (Energy Act of 1978, section 242) (Schmalz/Fischer—TLC-Yecies).	TLC and T:I—8/28/80 Draft of notice to TLC and T:I.	3
Sections 126, 1255, LR-222-78	Inc. Tax—Part 1—Exclusion from income of certain cost-sharing payments under governmental programs (RA 1978, section 543) (Mix/Fischer—TLC-Krupsky).	TLC—4/10/80 Draft of notice to TLC and T:A 11/21/80 Comments from T:I.	1
Sections 126, 1255, LR-217-80	Inc. Tax—Part 16A—Temp. Regs.—Certain conservation cost share payments (Mix/Fischer—TLC-Krupsky/Brown).	LR—1/19/81 T.D. ret'd to LR for revision	1
Sections 162, 62, 262, 3121, 3306, 3401, LR-173-77.	Inc. Tax—Part 1—Empl. Tax—Part 31—Deductibility of certain transportation expenses (Cubeta/Saverude—TLC-Cunningham).	LR—Awaiting further consideration	1
Sections 162, 4945, LR-190-77	Inc. Tax—Part 1—To provide better definitions in the area of political advertising and grass roots lobbying (Charnas/Francis—TLC-Simns).	LR—11/25/80 Notice pub	1
Sections 163(d), 703(b), LR-1639	Inc. Tax—Part 1—Limitation on interest deduction (TRA 1969, section 221; RA 1971, section 304; TRA 1976, sections 209, 901(b)(21)(F)) (Parcell/Fischer—TLC-Baneman).	LR—11/28/77 Notice ret'd to LR for revision	1
Section 166(f), LR-1173	Inc. Tax—Part 1—Deductions for addition to a reserve for certain guaranteed debt obligations (Pub. L. 89-722) (Mix/Fischer—TLC-Roche).	TLC—7/11/80 Notice pub. 1/6/81 Draft of T.D. to TLC and T:C 2/2/81 Comments from T:C.	3
Section 167, LR-177-78	Inc. Tax—Part 1—To prevent treatment of regular sales of assets leased on purchase-option arrangements as ordinary retirements under ADR (Flanagan/Coulter—TLC-Krupsky).	TLC—3/31/80 Draft of notice to TLC and T:C 8/20/80 Comments from T:C.	2
Section 167, LR-261-79	Inc. Tax—Part 1—To require a contribution to property from a CLADR account to be treated as an extraordinary retirement (Flanagan/Coulter—TLC-Krupsky).	LR—12/30/80 Notice pub	2
Section 167(i), LR-172-79	Inc. Tax—Part 1—Ratemaking treatment of public utility property (Rosenthal/Parcell—TLC-Gallagher).	LR—In LR for prep of notice	1
Sections 167 (n), (o), 280B, 1082(a)(2)(B), 1250(b)(3), LR-35-80.	Inc. Tax—Part 1—Depreciation of certain rehabilitation expenditures for, and disallowance of deductions for amounts expended in demolishing certain historic structures (TRA 1976, section 2124) (Hartley/Saverude—TLC-Sims).	TLC and T:C—12/19/80 Draft of notice to TLC and T:C.	2
Section 167(q), LR-189-78	Inc. Tax—Part 1—Depreciation allowance in case of retirement of certain oil and gas boilers (Energy Tax Act, section 301(e)) (Wold/Coulter—TLC-Schuldinger/Roche).	TLC—8/30/79 Rev. draft of notice to TLC and T:C 9/17/79 Comments from T:C.	2
Section 169(d) (1), (4), LR-193-76	Inc. Tax—Part 1—Amortization of certain pollution control facilities (TRA 1976, section 2112 (b), (c)) (Wold/Coulter).	LR—In LR for prep of notice	2
Section 170, LR-272-76	Inc. Tax—Part 1—Charitable contributions of inventory (TRA 1976, sections 2035, 205(c)(1), 1502(c)(2), 1307 (c), (d)(1), 1212 (b)(1), (c), 1901 (a)(28), (b)(8), 2124(e)(1)) (Murphy/Saverude—TLC Pike).	TLC—3/20/80 Notice pub. 7/15/80 Hrg. held 11/20/80 Draft of T.D. to TLC and T:I 12/19/80 Comments from T:I.	2
Sections 170(f)(3), 2055(e)(2), 2522(c)(2), LR-200-76.	Inc. Tax—Part 1—Est. Tax—Part 20—Gift Tax—Part 25—Transfers of partial interests in property for conservation purposes (TRA 1976, section 2124(e); TR and SA, 1977, section 309)—To extend certain temporary tax provisions (Small/Smith—TLC-Sims).	TLC and Tech—9/17/79 Draft of notice to TLC and Tech.	3
Sections 172, 537(b), LR-218-78	Inc. Tax—Part 1—Net operating losses attributable to product liability losses (RA 1978, section 371) (Carney/Coulter—TLC-Sims/Brown).	TLC and Tech—11/6/80 Notice fwd. for formal approval.	2
Section 179(d)(8), LR-256-76	Inc. Tax—Part 1—Dollar limitation with respect to additional first-year depreciation allowance for small business in case of partnerships (Parcell/Fischer).	TLC—7/13/79 Draft of notice to TLC and T:C 10/17/79 Comments from T:C.	2
Section 183(e), LR-61-74	Inc. Tax—Part 1—Election to postpone application of section 183(d) presumption (section 311, RA 1971; TRA 1976, section 214) (Keesler/Fischer—TLC-Baneman).	LR—In LR for prep of final draft of notice	3
Section 189, LR-145-76	Inc. Tax—Part 1—Amortization of real property construction period interest and taxes (TRA 1976, section 201; RA 1978, sections 701(m)(1) and 701(e)) (Schmalz/Fischer—TLC-Cunningham).	TLC—3/20/79 Draft of notice to TLC and T:I 4/16/79 Comments from T:I.	1
Section 192, LR-62-78	Inc. Tax—Part 1—Contributions to Black Lung Benefit (Black Lung Benefit Trust Rev. Act 1977, section 4(b)) (Stevenson/Woo—TLC-Copeland).	EO—3/27/80 Draft of notice to TLC, T:C, E:O 4/23/80 Comments from T:C 7/17/80 Comments from TLC.	2
Section 194, LR-224-80	Inc. Tax—Part 15b—Temp. Regs.—Amortization of certain reforestation expenditures (Title III, RBS and FI Act of 1980, Pub. L. 96-451) (Hartley/Smith).	LR—In LR for prep of T.D	1
Section 217, LR-230-78	Inc. Tax—Part 1—Moving expenses (Foreign Earned Income Act 1978, section 204, Pub. L. 95-617) (Haglund/Woo—ITC-Dolan).	Commr.—5/22/80 Notice pub. 1/21/81 T.D. to Commr. for formal approval.	2
Section 263(c), LR-202-78	Inc. Tax—Part 1—Intangible drilling costs (Energy Tax Act 1978, section 402(a)) (Cubeta/Woo—TLC-Schuldinger).	Treas—1/30/80 Notice pub. 2/19/81 T.D. to Treas. for formal approval.	2
Section 274(h), LR-260-76	Inc. Tax—Part 1—Deductions for attending foreign conventions (TRA 1976, section 602) (Carney/Coulter—TLC-Melton).	TLC and Tech—7/31/80 Final draft of notice to TLC and Tech.	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
Section 277, LR-1721	Inc. Tax—Part 1—Taxation of non-exempt membership organizations (TRA 1976, section 121(b)(3)) (Keesler/Fischer—TLC-Sims).	LR—5/6/72 Notice pub. 8/8/72 Hrg. held 11/8/79 Rev. notice ret'd. to LR.	2
Section 280, LR-220-76	Inc. Tax—Part 1—Amortization of production cost of motion pictures, books, records, and other similar property (TRA 1976, section 210 (a), (b)) (Keesler/Fischer—TLC-Krupsky).	TLC—7/1/77 Rev. draft of notice to TLC and T:I 2/14/78 Comments from T:I.	3
Section 280A, LR-261-76	Inc. Tax—Part 1—Deductions for expenses attributable to business use of homes, rental of vacation homes (TRA 1976, section 601) (Murphy/Francis—TLC-Baneman).	LR—8/7/80 Notice pub	1
Section 303, LR-124-76	Inc. Tax—Part 1—Distributions in redemption of stock to pay death taxes (TRA 1976, section 2004(e)) (Kissel/Blumkin—TLC-Levinson).	TLC—3/3/77 Draft of notice to TLC and T:C 5/17/77 Approved by T:C.	2
Section 305, LR-91-74	Inc. Tax—Part 1—To clarify meaning of term "reasonable redemption premium" (Kissel/Blumkin—TLC-Carrington).	TLC—11/28/80 Rev. draft of notice to TLC and T:C 12/29/80 Comments from T:C.	2
Section 337, LR-130-76	Inc. Tax—Part 1—Simultaneous liquidation of a parent and subsidiary (TRA 1976, section 2118; RA 1978, section 207(i)) (Swift/Whedbee—TLC-Krupsky).	TLC and T:C— 9/30/80 Rev. draft of notice to TLC and T:C.	2
Section 351, LR-754	Inc. Tax—Part 1—Transfer by a cash basis taxpayer of unrealized accounts receivable, etc., to a corp. controlled by a transferee (Swift/Whedbee—TLC-/Yecies).	LR— 12/7/77 Draft of notice ret'd. to LR for revision.	2
Sections 351, 368, LR-1993	Inc. Tax—Part 1—Basis in stock of a corp. acquiring property in exchange for stock of corp. in control of acquiring corp. (Levine/Blumkin—TLC-Yecies).	LR— 1/2/81 Notice pub	1
Section 355, LR-936	Inc. Tax—Part 1—Distribution of stock and securities of a controlled corp. (——/Blumkin).	TLC and T:C— 1/13/77 Notice pub. 1/21/77 Notice repub. 3/31/80 Draft of T.D. to TLC and T:C.	1
Section 367(a)(1), LR-24-81	Inc. Tax—Part 1—Relating to ruling requests (TRA 1976, section 1042(a)) (Kadue/Felton).	LR—12/30/77 Notice under LR-230-76 pub. 10/5/79 Temp. Regs. pub.—T.D. 7646 10/5/79 Notice pub. 2/27/80 Hrg. held in LR for prep of T.D.	1
Section 367(a)(2), LR-231-76	Inc. Tax—Part 1—Exception for transfers of property from the U.S. designated by the Secretary (TRA 1976, section 1042(a)) (Dean/Felton—ITC-Hannes).	LR—In LR for prep of notice	1
Section 367(b), LR-2-78	Inc. Tax—Part 1—Changes in ruling requirements for sec. 367(b) transactions (TRA 1976, section 1042(a)) (Horowitz/Felton—ITC-Dolan).	LR— 12/30/77 Notice pub. under LR-230-76 10/5/79 Temp. Regs. pub.—T.D. 7646 10/5/79 Notice pub. 2/27/80 Hrg. held.	1
Sections 368(a)(2)(F), 721, 722, 723, 683, LR-135-76.	Inc. Tax—Part 1—Exchange funds (TRA 1976, section 2131) (Swift/Blumkin—TLC-Rabinovitz/Krupsky).	LR—1/7/81 Notice pub	1
Section 368(a)(2)(E), (b)(2), LR-1994	Inc. Tax—Part 1—Acquisition of a corp. by merger of a corp. controlled by the acquiring corp. (Pub. L. 91-693) (Levine/Blumkin—TLC-Yecies).	LR—1/2/81 Noitce pub	1
Section 414(b),(c), LR-209-74	Inc. Tax—Part 1—Definitions and special rules (Pub. L. 93-406, section 1015) (McKee/Blumkin—TLC-Sorensen).	TLC, Tech, and EP—11/5/75 Noitce pub. 9/23/80 Final draft of T.D. to TLC, Tech, and EP.	3
Section 446(e), LR-188-79	Inc. Tax—Part 1—Requests for change of method of accounting from an erroneous method of accounting (Bennett/Parcell).	TLC and Tech—2/17/81 Final draft of notice to TLC and Tech.	1
Sections 446(e), 481, LR-47-80	Inc. Tax—Part 1—Clarification of relationship between secs. 446(e) and 481 (Parcell/Fischer—TLC-Brown).	TLC—7/28/80 Draft of notice to TLC and T:C 9/12/80 Comments from T:C.	1
Section 447, LR-143-76	Inc. Tax—Part 1—Method of accounting for corps. engaged in farming (TRA 1976, section 207(c)) (Keesler/Fischer—TLC-Melton).	TLC—5/18/78 Draft of notice to TLC and T:C 6/26/78 Comments from T:C.	1
Section 453, LR-187-80	Temp. Inc. Tax—Part 15A—Installment obligations received in transactions in which gain or loss is not recognized (Mix/Fischer—TLC-Roche).	TLC, T:C, T:I—12/15/80 Draft of T.D. to TLC, T:C, T:I.	1
Section 453, LR-185-80	Temp. Inc. Tax—Part 15A—Installment obligations received from a liquidating corp. (Mix/Fischer—TLC-Roche).	Tech—1/22/81 T.D. fwd. for formal approval	1
Section 453, LR-173-80	Inc. Tax—Part 1—General rules and contingent sales (Mix/Fischer—TLC-Roche)	LR—2/4/81 Notice pub	1
Section 453, LR-1-81	Temp. Inc. Tax—Part 15A—Installment obligations received in transactions between related parties (Mix/Fischer—TLC-Roche).	TLC and T:I—1/8/81 Draft of T.D. to TLC and T:I.	1
Section 458, LR-195-78	Inc. Tax—Part 1—Exclusion from gross income with respect to magazines, paperbacks, and records returns after close of taxable year (RA 1978, section 372) (Schmalz/Fischer—TLC-Cunningham).	TLC—12/10/79 Draft of noitce to TLC and T:C 1/14/80 Comments from T:C.	2
Section 461, LR-190-76	Inc. Tax—Part 1—Treatment of prepaid interest (TRA 1976, sections 208, 1901(a)(69)) (Parcell/Fischer—TLC-Sims).	TLC—10/23/79 Rev. draft of notice to TLC and T:I 12/20/79 Comments from T:I.	2
Sections 463, 81; LR-6-75	Inc. Tax—Part 1—Accrual of vacation pay (Pub. L. 93-625) (Bennett/Fischer—TLC-Brown).	TLC—3/28/78 Rev. draft of notice to TLC and T:C 4/19/78 Comments from T:C.	1
Sections 464, 278(b), LR-144-76	Inc. Tax—Part 1—Limitation on deductions in case of farming syndicates (TRA 1976, section 207 (a), (b)) (Keesler/Fischer—TLC-Melton).	TLC—11/7/78 Rev. draft of notice to TLC and T:I 11/22/78 Comments from T:I.	1
Section 465, LR-168-76	Inc. Tax—Part 1—Determination of amounts at risk with respect to certain activities (TRA 1976, Secton 204) (Bennett/Parcell/Fischer—TLC-Levinson).	TLC—6/5/79 Notice pub. 9/27/79 Hrg. held 11/7/79 Draft of T.D. to TLC and T:I 12/28/79 Comments from T:I.	1
Section 466, LR-217-78	Inc. Tax—Part 1—Qualified discount coupons returned after close of taxable year (Schmalz/Fischer—TLC-Brown).	TLC—4/1/80 Draft of notice to TLC and Tech 4/2/80 Comments from Tech.	3
Section 471, LR-2158	Inc. Tax—Part 1—Inventories at cost or market, whichever is lower (Schmalz/Fischer—TLC-Brown).	TLC—6/1/77 Final draft of notice to TLC	2
Section 472-8(e), LR-267-79 RFA	Inc. Tax—Part 1—Proposed revision to dollar-value LIFO regs. to allow small businesses to use Consumer Price Index (Bosco/Fischer).	LR—1/16/81 Notice pub	1
Section 473, LR-82-80	Inc. Tax—Part 1—Qualified liquidations of LIFO inventories (Crude Oil Windfall Profit Tax Act 1980, Section 403) (Rosenthal/Fischer—TLC-Brown).	LR—In LR for prep of notice	2
Section 482, LR-307-76	Inc. Tax—Part 1—Allocation of income and deductions among taxpayers to revise percentage applied in determining rental change for use of tangible property to reflect amdmt. of regs. to provide for a "safe haven" imputed interest rate of 6-8 percent (Schreiner/Felton—TLC-Baneman).	T:C—12/17/80 Rev. draft of notice to ITC and T:C 2/4/81 Comments from ITC.	2
Sections 482, 493, LR-221-78	Inc. Tax—Part 1—Imputed interest rates (Schmalz/Fischer—TLC-Baneman)	LR—8/29/80 Notice pub. 1/8/81 Hrg. held	1
Section 512(a)(3), LR-1744	Inc. Tax—Part 1—Social clubs—Unrelated business income (TRA 1969, Sectoin 121(b)(1)) (Mix/Fischer—TLC-Sims).	TLC—5/13/71 Notice pub. 8/31/71 Hrg. held 7/3/80 Rev. draft of T.D. to TLC.	2
Section 532, LR-125-78	Inc. Tax—Part 1—To apply accumulated earnings tax to corps. accumulating E&P to avoid income tax on certain foreign corp. shareholders (Klein/Felton—TLC-Krupsky/Dolan).	LR—12/22/80 Notice pub	3
Sections 541-45, 551-55, LR-680	Inc. Tax—Part 1—Various sections of the Code affecting personal holding cos. (Section 225, in part), RA 1964; also Pub. L.'s 89-809, Sections 104(h), 206; 91-172, Section 101(j)(16); TRA 1976, Sections 211, 2106) (Thompson/Saverude—TLC-Gallagher).	TLC—9/5/68 Notice pub. 11/3/78 Draft of rev. notice to TLC and T:C 11/30/78 Comments from T:C.	2
Section 565, LR-29-80	Inc. Tax—Part 1—Accumulated earnings tax (Thompson/Coulter)	Tech—12/12/80 Notice fwd. for formal approval.	3
Sections 584 (a)(1), (c)(1) (A) and (B), (c)(2), (e), 6032, LR-133-76.	Inc. Tax—Part 1—Tax treatment of common trust funds (Pub. L.'s 94-414, Section 1; 94-455; TRA 1976, Sections 2138(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter—TLC-Sims).	LR—9/22/80 Notice pub. 2/19/81 Hrg. held	2
Section 593(b) (3), (4), (5), LR-152-73	Inc. Tax—Part 1—Reserves for losses on loans of mutual savings banks, etc. (TRA 1969, Section 432(a)) (Thompson/Coulter—TLC-Roche).	TLC and T:C—9/30/80 Draft of notice to TLC and T:C.	3

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
Sections 612, 613, LR-1148	Inc. Tax—Part 1—Restoration of depletion deductions on bonus and advanced royalties in certain cases (Woo/Bromell—TLC-Sims).	LR—12/6/79 Notice ret'd. to LR for revision	1
Section 613, LR-2073	Inc. Tax—Part 1—Percentage depletion deduction—To clarify rules relating to determination of gross income from the property in the case of oil and gas wells (Woo/Bromell—TLC-Sims).	TLC—5/3/73 Partial draft of notice to TLC and T:C Comments from T:C.	1
Section 613(b), LR-2072	Inc. Tax—Part 1—Percentage depletion rates (TRA 1960, Section 501); also Pub. L. 89-809, Sections 207, 208, 209 (Woo-Bromell—TLC-Schuldinger).	TLC—12/12/78 Rev. draft of notice to TLC and T:C 8/80 Comments from T:C.	1
Sections 613A, 703(a), 705(a), LR-105-75	Inc. Tax—Part 1—Supplementary rules on limitations on percentage depletion for oil and gas (TRA 1975, Section 501; TRA 1976, Sections 1901(a)(86), 2115) (Woo/Bromell—TLC-Schuldinger).	TLC—5/13/77 Notice pub. 8/31/78 Hrg. held 8/2/78 Draft of T.D. to TLC and T:C 9/78 Comments from T:C.	1
Section 642(g), LR-183-76	Inc. Tax—Part 1—Certain expenses of estates (TRA 1976, Section 2009(d)) (Waltuch/Smith—TLC-Sorensen).	LR—In LR for prep of final draft of notice	3
Sections 644, 641(b), LR-188-76	Inc. Tax—Part 1—Special rule property transferred at less than fair market value (TRA 1976, section 701(e)) (RA 1978, section 701(p)) (Clark/Smith—TLC-Sorensen).	LR—In LR for prep of notice	2
Sections 664, 170A, 25.2522, LR-42-73	Inc. Tax—Part 1—To provide rules for application of charitable remainder trust provisions to certain living trusts (Haglund/Woo—TLC-Goodman).	TLC—11/16/79 Draft of notice to TLC and T:I 12/29/80 Comments from T:I.	3
Sections 667, 666(e), 668, 665(b), (e)-(g), 669, 1302 (a)(2)(B), (b)(2)(B), 6401(b), LR-184-76.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Accumulation trusts (TRA 1976, sections 701 (a)-(d), (f), 1014) (Hartman/Smith—TLC-Sorensen).	LR—In LR for prep of notice	2
Sections 679, 678(b), 643 (a), (c) (C), (D), (d), 6048, 6677, LR-187-76.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Foreign trusts having U.S. beneficiaries (TRA 1976, section 1013) (Kusma/Smith—ITC-Langbein).	TLC and T:I—12/16/80 Rev. draft of notice to TLC and T:I.	1
Section 671, LR-55-79	Inc. Tax—Part 1—Reporting requirements for grantor trusts (Small/Smith—TLC-Sorensen).	LR—10/24/80 Notice pub	2
Section 704(b), LR-262-76	Inc. Tax—Part 1—Determination of partner's distributive share (TRA 1976, section 213(d)) (Cubeta/Bromell—TLC-Gallagher).	TLC and T:I—11/30/78 Draft of notice to TLC and T:I.	1
Sections 706(c)(2)(B), 704, LR-265-76	Inc. Tax—Part 1—Items allocated to portion of year partner held interest (TRA 1976, section 213(c)) (Mix/Francis—TLC-Gallagher).	TLC—3/27/79 Draft of notice to TLC	1
Section 707(c), LR-2127	Inc. Tax—Part 1—To conform the income tax regs. relating to guaranteed payments to partners to sec. 213(b)(3) of TRA 1976 and to the *Miller* & *Carey decisions* (Charnas/Francis—TLC-Gallagher).	LR—2/13/81 Draft of notice ret'd. to LR for revision.	1
Section 709, LR-266-76	Inc. Tax—Part 1—Clarification of treatment of partnership syndication fees, etc. (TRA 1976, section 213(b)) (Haglund/Bromwell—TLC-Gallagher).	LR—1/11/80 Notice pub. 5/21/80 Hrg. held 12/4/80 Draft of T.D. ret'd to LR for revision.	2
Sections 761, 6031, LR-36-80	Inc. Tax—Part 1—Certain compliance problems where elections out of subch. K are made (Mix/Francis—TLC-Gallagher).	Tech—2/17/81 Draft of notice to TLC and Tech 2/27/81 Comments from TLC.	2
Section 860, LR-183-78	Inc. Tax—Part 1—Real estate investment trusts and regulated investment companies (RA 1978, section 362) (Whedbee/Blumkin—TLC-Baneman).	TLC—3/31/80 Notice pub. 7/31/80 Draft of T.D. to TLC and T:I 8/14/80 Chngd pages fwd. 10/1/80 Comments from T:I.	2
Section 861(a), LR-215-78	Inc. Tax—Part 1—Computation of taxable income from sources within and without the U.S. (Duffy/Saverude—ITC-Krupsky).	Treas.—1/22/81 Notice to Treas. for formal approval.	*1
Section 861(a)(7), LR-71-77	Inc. Tax—Part 1—Source of income of underwriting income (TRA 1976, section 1036) (Schmalz/Fischer—ITC-Dolan).	LR—In LR for prep of notice	2
Section 861(f), LR-184-79	Inc. Tax—Part 1—To provide rules for the treatment of income from certain railroad rolling stock as income from sources within the U.S. (Bouma/Felton—ITC-Fogarasi).	ITC—12/12/80 Draft of notice to ITC and T:C 1/22/81 Comments from T:C.	2
Section 871, LR-9-80	Inc. Tax—Part 1—Clarification of the computation of taxable income of dual status taxpayer (Feldman/Felton).	ITC—8/26/80 Draft of notice to ITC and T:C 10/3/80 Comments from T:C.	3
Sections 871, 881, 1441, 1442, LR-2043	Inc. Tax—Part 1—Original issue discount (RA 1971, section 313) (Schreiner/Felton—ITC-Langbein).	ITC and T:C—7/12/76 Notice pub. 11/18/76 Hrg. held 1/28/81 Draft of T.D. to ITC & T:C.	1
Section 892, LR-110-80	Inc. Tax—Part 1—Rules for determining whether loans or net leases are commercial activities (Kadue/Felton—ITC-Hannes).	ITC and T:C—7/22/80 Notice pub. 1/13/81 Final draft of T.D. to ITC and T:C.	1
Sections 897, 6039C, 6652, LR-30-81	Temp. Inc. Tax—Part 6a—Taxation of foreign investment in U.S. real property and information returns concerning foreign ownership of U.S. real property (Subtitle C of Title XI of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) (Klein/Felton).	LR—In LR for prep of T.D	1
Sections 901, 903, LR-100-78	Inc. Tax—Part 1—T provide rules setting forth requirements for creditable foreign taxes (Horowitz/Felton—ITC-Hannes).	LR—6/20/70 Notice pub. 10/11/79 Hrg. held 11/17/80 Temp. Regs. T.D. 7739 pub. 11/17/80 Notice pub.	1
Section 901(f), LR-65-75	Inc. Tax—Part 1—Certain payments for oil or gas not to be considered as taxes (TRA 1975, Pub. L. 94-12, sections 275(a), 901, 601(b)) (Duffy/Blumkin—ITC-Hannes).	LR—11/17/80 Notice pub	1
Section 902, LR-196-75	Inc. Tax—Part 1—To clarify rules for determining earnings and profits of a foreign corp. and amount of creditable foreign taxes (Schreiner/Felton—ITC-Hannes).	ITC and T:C—2/26/81 Rev. draft of notice to ITC and T:C.	1
Section 904(b) (2) and (3), LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, sections 1031, 1034; RA 1978, sections 403(c)(4), 701(c) (2) and (3) (Feldman/Felton—ITC-Dolan).	ITC—6/20/80 Rev. draft of notice to ITC and T:C 1/14/81 Comments from T:C.	1
Section 904(e) LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign tax as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Bouma/Felton—ITC-Dolan).	ITC—11/26/80 Rev. draft of notice to ITC and T:C 1/14/81 Comments from T:C.	2
Section 904(f), LR-3-77	Inc. Tax—Part 1—Recapture of foreign losses (TRA 1976, section 1032), (Renfroe/Felton—ITC-Hannes).	ITC and T:C—9/29/80 Draft of notice to ITC and T:C.	1
Section 907, LR-70-75	Inc. Tax—Part 1—Limitation dealing with foreign tax credit for taxes paid in connection with foreign oil and gas income (TRA 1975, section 601; TRA 1976, section 1035) (Duffy/Blumkin—ITC-Hannes).	LR—11/17/80 Notice pub	1
Sections 911, 913, LR-93-80	Inc. Tax—Part 1—Foreign earned income—To reflect changes made by Technical Corrections Act of 1979 (Pub. L. 96-222); Act of Dec. 24, 1980 (Pub. L. 96-595); and Act of Dec. 28, 1980 (Pub. L. 96-608) (Kadue/Felton).	LR—In LR for prep of notice	2
Sections 936, 33, 931, 901 (d), (g), 904(b), 243(b)(1), 246, 1504(b)(4), 48(a)(2)(B), 116(b)(2), 861(a)(2)(A), 6091(b)(2), LR-247-76.	Inc. Tax—Part 1—Tax treatment of corps. conducting a trade or business in Puerto Rico and possessions of the U.S. (TRA 1976, section 1051) (Banks/Felton—ITC-Fogarasi).	LR—In LR for prep of notice	1
Section 936(d)(2), LR-106-77	Inc. Tax—Part 1—Definition of qualified possession source investment income for purposes of Puerto Rico and possession tax credit (TRA 1969, section 1051) (Banks/Felton—ITC-Fogarasi).	LR 1/16/81 Notice to DED for formal approval	2
Sections 951, 954, 955, LR-68-75	Inc. Tax—Part 1—Current taxation of shipping profits of controlled foreign corps. except to extent such profits are reinvested in shipping operations (TRA 1975, section 602(d); TRA 1976, section 1024) (Klein-Saverude—ITCV-Fogarasi).	ITC and Tech—8/9/76 Notice pub. 8/22/77 Temp. Regs. T.D. 7503 published 2/6/81 Final draft of T.D. to ITC and Tech.	2
Sections 951(a), 954(b)(1), (f), 955, LR-67-75	Inc. Tax—Part 1—Conforming regs. to certain amendments to subpart F (TRA 1975, Pub. L. 94-12, section 602 (a)(3)(B) and (c) (other than (c)(6)) (Klein/Saverude—ITC-Fogarasi).	ITC and T:C—2/9/78 Notice pub. 1/30/81 Draft of T.D. to ITC and T:C.	2
Sections 952, 995, 964, LR-234-76	Inc. Tax—Part 1—Denial of certain tax benefits in connection with payment of certain bribes (TRA 1976, sections 1065, 1066(b)) (Banks/Felton—ITC-Dolan).	LR—2/3/81 Notice pub	3

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
Section 956(b)(2), LR-12-81	Inc. Tax—Part 1—For taxable years beginning after Dec. 31, 1953—Investment in U.S. property by controlled foreign corps. (Feldman/Felton).	ITC and T:C—2/25/81 Draft of T.D. to ITC and T:C.	2
Section 960(a)(1), LR-237-76	Inc. Tax—Part 1—Third tier foreign tax credit when sec. 951 applies (TRA 1976, section 1037) (Renfroe/Felton—ITC-Dolan).	ITC and Tech—11/19/80 Notice pub. 2/9/81 Final draft of T.D. to ITC and T:C.	3
Sections 993(d), 995(c), 751(c), 996(a)(2), LR-245-76.	Inc. Tax—Part 1—Misc. DISC amdmts. (TRA 1976, section 1101 (c), (d), (e) and (g) (1)-(4)) (Bouma/Felton—TLC-Fogarasi).	LR—1/2/81 Notice pub	2
Section 993, LR-92-77	Inc. Tax—Part 1—DISC—Definition of trade receivable (Act of 1971, section 501) (Feldman/Felton).	LR—4/10/80 Notice to DED for formal approval.	
Section 995, LR-246-76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, sections 1101 (a), (g)(1) and (5)) (Feldman/Felton—ITC-Fogarasi).	LR—2/10/81 Notice to DED for formal approval.	1
Sections 1040, 1015(d)(6), LR-214-76	Inc. Tax—Part 1—Various rules relating to carryover basis (TRA 1976, sections 2005 (b), (c); Crude Oil Windfall Profit Tax Act 1980, section 401(c)(2)) (Kusma/Smith—TLC-Sorensen).	CC/JDS—2/26/81 Notice to CC/JDS for formal approval.	2
Sections 1056, 1245, LR-222-76	Inc. Tax—Part 1—Basis limitation and recapture of depreciation on player contracts (TRA 1976, sections 212 (a), (b), 1901(b)(11)(D), 1951(c)(2)(C), 2122(b)(3), 2124(a)(2)) (Schmalz/Fischer—TLC-Krupsky).	TLC—7/15/80 Rev. draft of notice to TLC and T:C 8/26/80 Comments from T:C.	3
Section 1058, LR-182-78	Inc. Tax—Part 1—Transfers of securities under certain agreements (Pub. L. 95-345, section 2) (Keesler/Fischer).	LR—In LR for prep of notice	2
Sections 1101, 1102, 1103, 311, 6151, 6158, 6503, 6601, LR-286-76.	Inc. Tax—Part 1—Divestures of assets by bank holding companies (Pub. L. 94-453) (Levine/Blumkin—TLC-Krupsky).	TLC—12/27/78 Draft of notice to TLC and Tech 3/27/79 Comments from Tech.	3
Sections 1201, 1202, LR-187-78	Inc. Tax—Part 1—Alternative tax on capital gains (RA 1978, sections 401, 402, 403) (Flanagan/Coulter).	LR—In LR for prep of notice	2
Section 1231(b), LR-129-80	Inc. Tax—Part 1—Inclusion of timber within the definition of "property used in the trade or business" (Flanagan/Coulter).	LR—In LR for prep of notice	2
Sections 1236, 1244, 1372, LR-180-78	Inc. Tax—Part 1—To include put and call options within the definitions of stock or securities (Ausness/Coulter).	LR—In LR for prep of notice	2
Section 1244, LR-186-78	Inc. Tax—Part 1—Amdt. of Temp. Inc. Tax Regs. under ERISA—Part 11—Liberalization of rules relating to losses on small business stock (Rev. Act 1978, section 345; Tech. Corrections Act 1979, section 103(a)(9)) (Thompson/Coulter—TLC-Krupsky).	Treas.—9/19/79 Notice pub. 1/22/81 T.D. to Treas. for formal approval.	2
Sections 1248, 751, LR-232-76	Inc. Tax—Part 1—Gain from sale or exchange of stock in foreign crops. (TRA 1976, sections 1022, 1042 (b), (c)) (Horowitz/Saverude—ITC-Hannes).	ITC—10/1/79 Final draft of notice to TLC and T:C 10/25/79 Comments from T:C.	1
Section 1250, LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, sections 202, 1901(b), 1951(e), 2121(b), 2124(a)) (Thompson/Coulter).	LR—In LR for prep of notice	3
Section 1253, LR-1644	Inc. Tax—Part 1—Transfer of franchises; trademarks and trade names (TRA 1969, section 516(c)) (Tolleris/Coulter—TLC-Cunningham).	LR—7/15/71 Notice pub. 1/13/81 Rev. notice ret'd to LR..	2
Sections 1254, 751(c), LR-276-76	Inc. Tax—Part 1—Gain from disposition of interest in oil or gas property (TRA 1976, sections 205, 1901(a) (93)) (Ausness/Saverude—TLC-Schuldinger).	TLC and Tech—6/11/80 Notice pub. 9/9/80 Hrg. held 11/26/80 Draft to T.D. to TLC and Tech.	2
Section 1348, LR-156-76	Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, section 302) (Keesler/Fischer—TLC-Roche).	LR—5/6/77 Notice ret'd. to LR for revision	2
Section 1371, LR-4-73	Inc. Tax—Part 1—Treatment of obligations which purport to represent debt as a second class of stock (Woo/Saverude).	LR—11/11/76 Rev. draft of notice to TLC and T:I 12/14/76 Comments from T:I 11/29/78 Comments from TLC.	2
Sections 1371, 1372, LR-277-76	Inc. Tax—Part 1—Certain rules relating to shareholders of subchapter S corps. (TRA 1976, sections 902 (a) and (c); 1901(a) (149)) (Murphy/Saverude—TLC-Levinson).	LR—4/17/80 Notice pub. 10/8/80 Hrg. held	2
Sections 1382-3, 1388-1, LR-268-79	Inc. Tax—Part 1—Distributions qualifying as patronage dividends (Kissel/Blumkin—TLC-Shakow).	TLC—8/5/80 Draft of notice to TLC	2
Sections 1385, 1388, LR-1175	Inc. Tax—Part 1—Relating to tax treatment of per unit retain allocations (Pub. L. 89-809, section 211) (Parcell/Fischer—TLC-Schuldinger).	TLC—4/11/74 Draft of notice to TLC and T:C 1/26/76 Comments from T:C.	3
Section 1441, LR-40-79	Inc. Tax—Part 1—To provide for a certification method of withholding on dividends paid to nonresident aliens (Renfroe/Felton—ITC-Fogarasi).	ITC and Tech—2/20/81 Final draft of notice to ITC and Tech.	2
Section 1441, LR-165-78	Inc. Tax—Part 1—Personal services income of nonresident individuals (Kadue/Felton—ITC-Fogarasi).	ITC and T:C—2/24/81 Draft of notice to ITC and T:C.	2
Section 1441, LR-2139	Inc. Tax—Part 1—Withholding of income tax on payments to Virgin Island inhabitants (Banks/Felton—ITC-Fogarasi).	Treas.—7/8/80 Notice pub. 11/7/80 Hrg. held 1/22/81 T.D. to treas. for formal approval.	1
Sections 1491, 1057, LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, section 1015) (Klein/Felton—ITC-Krupsky).	LR—In LR for prep of notice	1
Section 1502, LR-75-79	Inc. Tax—Part 1—At risk limitations of sec. 465 (Axelrod/Blumkin—TLC-Brown)	TLC—12/27/79 Rev. draft of notice to TLC	1
Section 1502, LR-249-79	Inc. Tax—Part 1—Guidance for methods of consolidation for taxable years before regs. became effective (Swift/Whedbee—TLC-Brown).	TLC—12/31/80 Draft of notice to TLC and T:C 2/24/81 Comments from T:C.	1
Section 1502, LR-1086	Inc. Tax—Part 1—Revision of regs. under sec. 1502 re. personal holding companies (Kissel/Blumkin—TLC-Brown).	LR—7/5/79 Notice ret'd to LR for revision	2
Section 1502, LR-140-73	Inc. Tax—Part 1—Misc. and tech. amdmts. to consolidated return regs. (Axelrod/Blumkin—TLC-Brown).	LR—3/21/78 Notice ret'd to LR for revision	2
Section 1502, LR-97-79	Inc. Tax—Part 1—Credit and deductions etc., for consolidated returns (Axelrod/Blumkin—TLC-Pike/Brown).	ITC and T:C—11/28/80 Rev. draft of notice to TLC and T:C 12/8/80 Draft of notice to ITC 12/17/80 comments from TLC.	2
Section 1502-42, LR-108-80	Inc. Tax—Part 1—To modify the percentage bad debt deduction for thrift institutions that file consolidated returns (Axelrod/Blumkin).	LR—1/30/81 Notice pub	1
Section 1502, LR-94-74	Inc. Tax—Part 1—To provide consolidated return rules relating to life insurance cos. subject to tax under subchapter L (Dufy/Blumkin—TLC-Sims/Brown/Pike).	TLC and T:C—12/15/80 Draft of notice to TLC and T:C.	1
Section 1502, LR-1386	Inc. Tax—Part 1—Consolidated return regs.—Revision of regs. under sec. 1502 re accumulated earnings tax (Whedbee/Blumkin—TLC-Brown).	TLC—7/9/68 Notice pub. 9/12/68 Hrg. held 8/25/71 Notice withdrawn 5/14/79 Rev. notice pub. 10/3/79 Hrg. held 11/30/79 Draft of T.D. to TLC and T:C 12/14/79 comments from T:C.	3
Section 1507-75, etc., LR-216-79	Inc. Tax—Part 1—Filing of separate return for period not included in a consolidated return (Kissel/Axelrod).	LR—In LR for prep of notice	2
Section 1502, LR-113-77 RFA	Inc. Tax—Part 1—Consolidated return regs.—Investment adjustments (Axelrod/Blumkin—TLC-Brown).	LR—In LR for prep of notice	2
Section 1502, LR-256-79	Inc. Tax—Part 1—Consolidated return/Accumulated earnings tax—earnings and profits when personal holding co. is a member (Whedbee/Blumkin—TLC-Brown).	TLC—12/26/79 Draft of notice to TLC and T:C 2/4/80 Comments from T:C.	2
Section 1502, LR-29-76	Inc. Tax—Part 1—Reflect amdmts. of consolidated return regs. to reflect Merchant Marine Act of 1970 concerning Merchant Marine and Fisheries Capital Construction Funds (Axelrod/Blumkin—TLC-Brown/Krupsky).	TLC and T:C—2/27/81 Rev. draft of notice to TLC and T:C.	1
Section 1504, LR-169-77	Inc. Tax—Part 1—Includibility in an affiliated group of subsidiaries formed to comply with foreign laws (Swift/Whedbee—ITC-Dolan).	TLC—6/2/80 Rev. draft of notice to TLC and T:C 10/31/80 Comments from T:C.	1

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
Sections 2001, 2010, 2011, 2012 (a), (e); 2013 (b), (c)(1), 2014(b)(2), 2035, 2038(a), 2044, 2052, 2104, 2106, 2102, 2102, 2206-2207, 2502, 2504, 2505, 2521, 6018, LR-212-76.	Est. and Gift Taxes—Parts 20 and 25—Unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions (TRA 1976, section 2001; Technical Corrections Act 1979, section 107(a)(2)(F)) (Grundeman/Smith—TLC-Sorensen).	LR—In LR for prep of notice	2
Section 2031, LR-164-79	Est. Tax—Part 20—Valuation of self-created art in an artist's estate (Coplan/Smith—TLC-Sims).	LR—12/24/80 Notice to DED for formal approval.	1
Sections 2032a, 2013(f), LR-131-80	Est. Tax—Part 20—Valuation of certain farm, etc. real property (TRA 1976, section 2003 (a), (c)) (Hartley/Smith—TLC-Melton).	TLC—12/17/80 Draft of notice to TLC and T:I 1/28/81 Comments from T:I.	2
Section 2036(a), LR-181-76	Est. and Gift Taxes—Parts 20 and 25—Inclusion of stock in estate where decedent retained voting rights (TRA 1976; RA 1978, section 702(i)) (Harman/Smith—TLC-Sorensen).	TLC—6/12/80 Draft of notice to TLC and T:C 7/15/80 Comments from T:C.	1
Section 2040, LR-180-76	Est. Tax—Part 20—Fractional interest of spouse (TRA 1976, section 2002 (c), (d)(3); RA 1978, section 511; Technical Corrections Act 1979, section 105(a)(3)(A)) (Small/Grundeman—TLC-Sorensen).	TLC and T:I—10/30/80 Draft of notice to TLC and T:I.	1
Sections 2055 (e), 2522, 170, LR-259-74	Est. and Gift Taxes—Parts 20 and 25—Disallowance of charitable deduction—Extension of time within which to amend governing instruments in order to qualify as a charitable remainder annuity trust, unitrust or pooled income fund (Pub. L. 93-483, section 3; Pub. L. 94-455, section 13.04(a); RA 1978, section 514 (a), (b); Tech Corrections Act 1978, section 105(a)(4)) (Grundeman/Smith).	TLC and Tech—12/19/75 Notice pub. 3/30/76 Hrg. held 11/26/79 Draft of T.D. to TLC and Tech.	2
Sections 2056(c)(1), 2523 (a), LR-211-76	Est. and Gift Taxes—Parts 20 and 25—Increase in limitations on martial deductions (TRA 1976, section 2002 (a), (b), (d)(1), (2)) (Harman/Grundeman—TLC-Sorensen).	TLC and T:I—11/7/80 Rev. draft of notice to TLC and T:I.	3
Section 2057, LR-182-76	Est. Tax—Part 20—Deduction for bequests to certain minor children (TRA 1976, and 2007) (Alexander/Smith—TLC-Sorensen).	TLC and T:I—10/31/80 Draft of notice to TLC and T:I.	1
Section 2514-3(e), LR-1942	Est. and Gift Tax—Part 25—Transfers of life income interest by the life income beneficiary (Example (3)) (Waltuch/Smith—TLC-Sorensen).	TLC and Tech—10/22/80 Notice pub. 2/20/81 Final draft of T.D. to TLC and Tech.	2
Sections 2518, 2045, 2041(a)(2), 2055(a), 2056, 2504, LR-213-76.	Est. and Gift Taxes—Parts 20 and 25—Disclaimers (TRA 1976, section 2009(b)) (RA 1978, section 702(m)) (Kusma/Smith—TLC-Rabinovitz/Cunningham).	TLC and T:I—7/22/80 Notice pub. 11/18/80 Hrg. held 2/24/81 Draft of T.D. to TLC and T:I.	1
Section 2601-2603, LR-178-76	Tax on certain generation-skipping transfers—Part 26—Imposition and amount of, and liability for, tax (TRA 1976, section 2006(a)) (Waltuch/Smith—TLC-Sorensen).	LR—In LR for prep of notice	3
Sections 2611-2614, LR-205-76	Est. and Gift Tax—Part 26—Tax on certain generation-skipping transfers—Definitions and special rules (TRA 1976, section 2006(a); Technical Corrections Act 1979, section 107(a)(2)(B)) (Waltuch/Smith—TLC-Sorensen).	LR.1/2/81 Notice pub	1
Section 2621, LR-234-79	Est. and Gift Tax—Part 26—Generation-skipping transfers tax return requirement, etc. (TRA 1976, section 2006(a)) (Waltuch/Smith—TLC-Sorensen).	TLC and T:I—8/5/80 Notice pub. 11/5/80 Hrg. held 2/23/81 Draft of T.D. to TLC and T:I.	2
Sections 2622, 2013(g), 691(c), 303(d), LR-202-76.	Inc. Tax—Est. Tax—Parts 1, 20, 26—Tax on certain generation-skipping transfers—Misc. Provs. relating to generation-skipping transfers (TRA 1976, section 2006(a)) (Clark/Smith—TLC-Sorensen).	TLC and T:I—5/8/78 Draft of notice to TLC and T:I.	3
Section 3121(t), LR-35-78	Empl. Tax—Part 31—Soc. sec. tax on employers of individuals who receive income from tips (Soc. Sec. Amdmts. of 1977, section 315) (Murphy/Bromell—TLC-Goodman).	LR—7/25/79 Notice ret'd to LR for revision	2
Section 3231(a), LR-38-80	Empl. Tax—Part 31—To clarify the definition of "employer" for purposes of RRTA (Tolleris/Coulter).	LR—In LR for prep of notice	2
Section 3401 (a)-1, (b), LR-74-77	Empl. Tax—Part 31—To modify requirements with respect to sick pay (TRA 1976, Section 505) (Wold/Coulter—TLC-Gallagher).	LR—1/2/81 Notice ret'd. for revision	2
Section 3402 (o), LR-157-80	Empl. Tax—Part 31—To delete temp. regs. and provide permanent regs relating to extension of withholding to certain annuity payments (TRA 1969, Section 805 (g); Act of Dec. 24, 1980, Section 4 (d)) (Wold/Coulter—TLC-Gallagher).	Tech—1/29/81 Draft of notice to TLC and Tech 2/3/81 Comments from TLC.	2
Section 3402 (o), LR-7-81	Temp. Empl. Tax—Part 35—Extension of withholding to payments of sick pay made by third parties (Pub. L. 96-601, Section (4) (Wold/Coulter—TLC-Gallagher).	TLC and Tech—2/18/81 Draft of T. D. to TLC and Tech.	2
Section 3402 (q), LR-264-76	Empl. Tax—Part 31—Withholding on certain gambling winnings (TRA 1976, Section 1207 (d)) (MacMaster/Coulter—TLC-Gallagher).	Treas.—11/15/79 Notice pub. 2/26/80 Hrg. held 1/13/81 T.D. to Treas. for formal approval.	2
Section 3402 (f), LR-50-81	Empl. Tax—Part 31—Withholding exemption certificates (Form W-4) (Wold/Saverude).	LR—In LR for prep of notice	1
Sections 4041 (b), 4063, 4081, 4093, 4221, 6416, 6421, 6424, 6427 LR-173-78.	Exc. Tax—Various amdmts. under the Energy Tax Act of 1978; Sections 221, 222, 231, 232, 233, 404; Rev. Act of 1978, Section 701 (ff); Technical Corrections Act 1979, Section 108 (c) (5)) (Alexander/Smith—TLC-Schuldinger/Roche).	LR—1/2/81 Notice pub.	2
Sections 4041 (K), 4081 (c), 6427 (f), LR-84-80.	Mfgrs. and Rtlrs. Exc. Tax—Part 48—Exemption from motor fuels excise tax for certain alcohol fuels (Crude Oil Windfall Profit Tax Act 1980, Section 232) (Clark/Smith—TLC-Pike).	TLC and T:I—12/23/80 Draft of notice to TLC and T:I.	2
Sections 4041, 4042, 4054, 4058, LR-2118	Exc. Tax—Applicable to articles sold on or after 7/1/65 (Pub. L. 89-44) (Harley/Saverude—TLC-Roche/Schuldinger).	LR—10/22/80 Notice pub. 4/8/81 Hrg. to be held.	3
Sections 4061, 4063, LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (Pub. L. 89-44) (Small/Saverude—TLC-Pike).	T:I—7/30/80 Draft of notice to TLC and T:I 8/14/80 Comments from TLC.	3
Section 4064, LR-205-78	Exc. Tax—Part 48—Gas guzzler tax (Energy Tax Act 1978, Section 201) (Murphy/Woo—TLC-Krupsky).	TLC and T:I—2/8/80 Notice pub. 6/19/80 Hrg. held 1/27/81 Draft of T. D. to TLC and T:I.	1
Sections 4071-4073, LR-2114	Exc. Tax—Applicable to tires, etc. sold on or after 7/1/65 (Pub. L. 89-44) (Tolleris/Saverude—TLC-Pike).	LR—12/4/80 Notice pub	3
Sections 4081-4084, 4091-4092, 4101, 4102, LR-2117.	Exc. Tax—Applicable to gasoline and lubricating oil sold on or after 7/1/65 (Pub. L. 89-44) (Hartley/Saverude—TLC-Roche/Schuldinger).	Treas.—1/6/81 Notice to Treas. for formal approval.	3
Sections 4611, 4612, 4661, 4662, 4681, 4682, LR-47-81.	Exc. Tax—Part 57—Temp. Regs.—Environmental taxes—Imposition of tax on petroleum, chemicals and hazardous wastes (Pub. L. 96-510, Sections 211, 231) (Kusma/Smith).	TLC and T:I—2/27/81 Draft of T.D. to TLC and T:I.	2
Sections 4986-4997, LR-48-80	Exc. Tax—Part 51—Implementing the Crude Oil Windfall Profit Tax Act of 1980 (Cubeta/Bromell—TLC-Schuldinger/Gallagher).	LR—4/4/80 Notice pub. 7/16/80 Hrg. held 11/5/80 Rev. notice pub. 12/11/80 2nd Rev. notice pub. 1/19/81 3rd Rev. notice pub 2/23/81 4th Rev. notice pub.	1
Section 4988 (b) LR-64-80	Exc. Tax—Part 51—Net income limitation under the Crude Oil Windfall Profit Tax Act 1980 (Stevenson/Bromell—TLC-Schuldinger/Gallagher).	LR—1/7/81 Notice pub	1
Section 4989-1 (c) LR-152-80	Exc. Tax—Part 51—To provide rules relating to base prices of tier 2 and tier 3 oil removed after 9/30/80 (Crude Oil Windfall Profit Tax Act 1980) (Murphy/Bromell—TLC-Schuldinger/Gallahger).	LR—9/30/80 Notice pub. 11/14/80 Rev. notice pub. 3/3/81 Hrg. to be held.	1
Section 4989-1 (c) (2) LR-142-80	Exc. Tax—Part 51—To clarify the interim rule for determining base prices for tier 2 and tier 3 oil (Crude Oil Windfall Profit Tax Act 1980) (Cubeta/Bromell—TLC-Schuldinger/Gallagher).	LR—9/24/80 Notice pub	1
Section 4992 (e) LR-66-80	Exc. Tax—Part 51—Independent producer oil allocations within a related group under the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Saverude—TLC-Schuldinger/Gallagher).	TLC—9/9/80 Draft of notice to TLC and T:C 9/29/80 Comments from T:C.	1

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
Section 4994 (c) LR-68-80	Exc. Tax—Part 51—Exempt front-end oil under the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Bromell—TLC-Schuldinger/Gallagher).	LR—12/5/80 Notice pub 2/24/81 Hrg. held	1
Section 4995, LR-71-80	Exc. Tax—Part 51—Withholding and depositing of windfall profit tax (Cubeta/Bromell—TLC-Schuldinger/Gallagher).	LR—4/25/80 Notice pub. 7/16/80 Hrg. held	1
Sections 6001-6427, 4161, 4181, LR-2115	Exc. Tax—Part 52—Sporting goods and firearms and admin. provs. of special application to Mfgrs. and Rtlrs. Exc. Tax (Exc. Tax Reduction Act of 1965 and other subsequent legislation through Rev. Act 1971) (Alexander/Harman/Clark/Saverude——.	TLC—5/2/75 Rev. draft of notice to TLC and T:I 7/15/76 Comments from T:I.	3
Section 6001, LR-133-78	Inc. Tax—Part 1—Conditions under which books and records of controlled foreign corps. and orgs. will be required to be maintained in the U.S. (Bouma-Felton—ITC-Fogarasi).	LR—1/23/81 Notice pub	2
Section 6013 (g), (h), LR-71-79	Inc. Tax—Part 1—To clarify the relationship of the joint return election and tax treaties (Klein/Felton—ITC-Dolan)).	Treas.—9/12/80 Notice pub. 2/12/81 T.D. to Treas. for formal approval.	3
Section 6039, LR-49-80	Inc. Tax—Part 1—To conform the regs. to amdts. made by sec. 7 of Pub. L. 98-167 (Discontinuance of option reports) (Schmalz/Fischer).	TLC—7/8/80 Draft of T.D. to TLC and T:I 7/31/80 Comments from T:I.	3
Section 6045, LR-148-80	Inc. Tax—Part 1—Information returns on barter transactions (Parcell/Fischer)	LR—In LR for prep of notice	1
Section 6103(l)(2), LR-3-81	Proc. and Admin.—Part 301—To authorize additional disclosures of returns and return information (Dickinson).	LR—In LR for prep of notice	3
Sections 6109, 6049, LR-139-80	Inc. Tax—Part 1—Proc. and Admin.—Part 301—To require a resident having an interest in a nonresident alien's bank account to supply his SSAN (Tolleris/Coulter—TLC-Fogarasi).	LR—2/23/81 Notice to DED for formal approval.	2
Sections 6154, 6655, LR-140-78	Inc. Tax—Part 1—Payment of estimated tax by corporations (Carney/Coulter—TLC-Yecies).	T:I—3/29/79 Final draft of notice to TLC and T:I 11/15/79 Comments from TLC.	2
Sections 6166, 6166A, LR-210-76	Exc. Tax—Part 20—Proc. and Admin.—Part 301—Deferral and installment payment of estate tax (TRA 1976, section 2004(a); RA 1978, section 512) (Charnas/Bromell—TLC-Melton).	TLC—5/30/80 Draft of notice to TLC and T:I 7/25/80 Comments from T:I.	2
Section 6205, LR-85-79	Empl. Tax—Part 31—Interest-free adjustment where employer erroneously files Form 941 and pays FICA tax on employee's wages rather than RRTA tax (Tolleris/Coulter—TLC-Goodman).	Treas.—9/26/80 Notice pub. 2/24/81 T.D. to Treas. for formal approval.	2
Sections 6324A, 2204(c), LR-209-76	Est. Tax—Proc. and Admin.—Parts 20 and 301—Special lien for estate tax deferred under secs. 6166 and 6166A (TRA 1976, section 2004(d)) (Murphy/Bromwell—TLC-Melton).	TLC—6/18/80 Draft of notice to TLC and Tech 8/22/80 Comments from Tech.	2
Section 6324(B), LR-201-76	Est. Tax—Proc. and Admin.—Parts 20 and 301—Special lien for additional estate tax attributable to farm, etc. valuation (TRA 1976, section 2003(b)) (Stevenson/Bromell—TLC-Melton).	TLC—11/30/79 Draft of notice to TLC and T:I Comments from T:I.	2
Section 6325-1(b)(1)(i), LR-90-80	Est. Tax—Part 20—Transfer certificates in nonresident estates (Kusma/Smith)	LR—Notice ret'd. to LR for revision	2
Sections 6332, 7401, LR-1891	Proc. and Admin.—Part 301—Enforcement of liens and levies upon a taxpayer's property held by a foreign office of a financial institution engaged in business in the U.S. or a possession of the U.S. (Alexander/Smith—ITC-Dolan).	Tech—2/10/81 Final draft of notice to Tech	1
Section 6411, LR-45-79	Inc. Tax—Part 1—Tentative refund of tax under claim of right adjustment (Rev. Act 1978, section 504) (——/Whedbee—TLC-Yecies).	LR—In LR for prep of notice	2
Section 6501, LR-204-78	Inc. Tax—Part 1—Limitations on assessments and collection; To conform to sec. 212, RA 1978 (Pub. L. 95-600) (Stevenson/Francis).	LR—In LR for prep of notice	2
Section 6511, LR-94-80	Proc. and Admin.—Part 301—To conform changes made by Pub. L. 95-628, section 8(a), relating to period of limitations for credit or refund with respect to net operating loss or capital loss carryback (Bennett/Fischer).	TLC and T:I—10/31/80 Draft of T.D. to TLC and T:I.	3
Sections 6601(j), 6161 (a), (b), 6163(b), 6503(d), 7403(a), 2011(c)(2), 2204 (a), (b), LR-198-76.	Est. Tax—Proc. and Admin.—Parts 20 and 301—Misc. procedural amdts. relating to estate tax (TRA 1976, section 2004 (b), (c), (f); RA 1978, section 702(p)) (Stevenson/Bromell—TLC-Melton).	TLC—11/30/79 Draft of notice to TLC and T:I Comments from T:I.	3
Section 6655(h), LR-29-81	Temp. Inc. Tax—Part 6A—Title XI of the Omnibus Reconciliation Act of 1980, section 1111—Relating to payment by large corps. of at least 60% of current tax year (Carney/Coulter).	TLC and Tech—2/20/81 Draft of T.D. to TLC and Tech.	2
Section 7502, LR-1406	Proc. and Admin.—Part 301—Amendments of regs. relating to the timely mailng of deposits (Pub. L. 90-364, section 106) (Bennett/Fischer—TLC-Yecies).	TLC and T:I—12/11/79 Notice pub. 4/7/80 Draft of T.D. to TLC and T:I.	3
Sections 7609, 7610, LR-164-76	Proc. and Admin.—Part 301—Administrative summons (TRA 1976, section 1205) (Keesler/Fischer—TLC-Yecies).	TLC—8/21/80 Notice pub. 12/15/80 Draft of T.D. to TLC and T:I 1/2/81 Comments from T:I.	3
Section 7701, LR-232-78	Proc. and Admin.—Part 301—Classification of entities organized under Uniform Limited Partnership Act, as revised in 1976 (Haglund/Francis—TLC-Levinson/Sims).	LR—10/27/80 Notice pub	2
Section 7701, LR-57-80	Proc. and Admin.—Part 301—To modify the application of the classification rules to limited liability companies (Murphy/Francis—TLC-Sims).	LR—11/17/80 Notice pub	1
LR-149-75	Inc. Tax—Part 3—Maritime Capital Construction Fund (Pub. L. 91-469, section 601, Merchant Marine Act, 1936) (McKee/Blumkin—TLC-Krupsky).	TLC—1/29/76 Notice pub. 7/7/76 Hrg. held 6/6/80 Draft of T.D. to TLC.	1
LR-71-78	Exc. Tax—Parts 16 and 17—(1939 Code) Vinson Act—Amdt. of T.D. 4906 and T.D. 4909—Recovery of excessive profits on Government contracts (Hartley/Smith—TLC-Brown).	TLC—10/26/79 Notice pub. 3/12/80 Hrg. held 7/11/80 Draft of T.D. to TLC and T:C 10/24/80 Comments from T:C.	1
LR-50-79	Statement of Procedural Rules—1979-1 Periodic Amendments (Swift/Whedbee—TLC-Yecies).	T:I—7/14/80 Draft to T:I	

[1] Final reg. target date December 1981; draft regulatory flexibility analysis prepared.
[2] Draft regulatory analysis required; not yet prepared.
[3] Draft regulatory analysis prepared.

Part II.—*Regulations Under Development by the Employee Plans and Exempt Organizations Division*

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
Section 46, EE-1-78	Inc. Tax—Part 1—Employee stock ownership plan requirements for obtaining up to additional ½% investment credit (TRA 1976, section 803(d)) (Horowitz/Marget—TLC-Melton).	TLC—8/17/79 Notice pub. 3/7/80 Prelim. draft of T.D. to TLC and E 5/21/80 Comments fm E.	2
Sections 46, 401(a), EE-4-78	Inc. Tax—Part 1—Misc. provisions relating to employee stock ownership plans (TRA 1976, section 803 (b) (2), (3), (c), and (d)) (Horowitz/Thrasher—TLC-Melton).	E—1/19/79 Notice pub. 6/28/79 Hearing held 11/26/80 Rev'd prelim. draft of T.D. to TLC and E 2/11/81 Comments fm TLC.	2
Sections 120, 501(c)(20), EE-5-78	Inc. Tax—Part 1—Prepaid legal expenses (TRA 1976, section 2134) (Kerby/McGovern—TLC-Krupsky).	TLC—4/29/80 Notice pub. 9/4/80 Hrg held 1/6/81 Prelim. draft of T.D. to TLC and E 1/30/81 Comments fm E.	1
Section 125, EE-16-79	Inc. Tax—Part 1—Tax Treatment of Cafeteria Plans (Rev. Act of 1978 section 134) (Beker/Thrasher—TLC-Sorensen).	TLC and E:A—4/15/80 Rev'd prelim. draft of notice of TLC and E:A.	1
Sections 127, 3121(a)(18), 3401(a)(18), 3306(b)(13). EE-178-78.	Inc. Tax—Part 1—Educational Assistance Programs (Rev. Act of 1978 section 164) (Kerby/McGovern—TLC-Roche).	TLC—6/26/80 Prelim. draft of notice to TLC and T:I:I 7/25/80 Comments fm T:I:I.	2

Part II.—*Regulations Under Development by the Employee Plans and Exempt Organizations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
Sections 62, 219, 220, 404(h), 408, 409, 2503, 3121, 3306, 4973, 4974, 6693, EE-7-78.	Inc. Tax—Part 1, Gift Tax—Part 25, Employment Taxes—Part 31, Retirement Income Plan Excise Taxes—Part 54, Procedure and Administration—Part 301—Spousal Individual Retirement Accounts, Simplified Employee Pensions, and Individual Retirement Account Technical Changes Act section 2002(a), (ERISA of 1974 (Pub. L. 93-406), sections 1501 and 1503, TRA of 1976 (Pub. L. 94-455) sections 152, 156(c), 156(d), and 157, Rev. Act of 1978 (Pub. L. 95-600), sections 101(a)(10), 101(a)(14)(A), 101(a)(14)(B), and 101(a)(14)(E)(ii), Tech. Corr. Act of 1979 (Pub. L. 96-222)) (Gibbs/Wickersham—TLC-Melton).	Commr.—1/27/81 Notice to Commr. for signature.	2
Sections 263, 404, etc., EE-56-78	Inc. Tax—Part 1—Capitalization of pension costs and other indirect costs attributable to self-constructed assets (*Comm. v. Idaho Power Co.,* 418 U.S. 1 (1974)) (Horowitz/Marget—TLC-Krupsky).	EE—5/13/80 Prelim. draft of notice to TLC and T:C 6/25/80 Comments fm T:C 10/2/80 Comments fm TLC.	1
Sections 401(a), 501(a), EE-39-78	Inc. Tax—Part 1—Treatment of Puerto Rican retirement plans (Pub. L. 93-406, section 1022(i)) (Raps/Thrasher—ITC-Fogarasi).	ITC and EP—7/23/80 2nd rev. prelim. draft of notice to ITC and EP.	2
Section 401(a)(5), EE-8-78	Inc. Tax—Part 1—Comparability of plans for vesting (ERISA, section 1012(b)) (———/Wickersham—TLC-Melton).	TLC and E:A—2/7/80 Rev. prelim. draft of notice to TLC and E:A.	3
Section 401-4(c), EE-11-78	Inc. Tax—Part 1—To conform the "High 25 employee rule" to section 4022 of ERISA, "guaranteed benefits" (Hirsh/Wickersham—TLC-Sorensen).	TLC and E—1/22/81 3rd prelim. draft of notice to TLC and E.	2
Sections 401(k), 402(a)(8), EE-169-78	Inc. Tax—Part 1—Certain cash or deferred arrangements (Rev. Act of 1978, section 135) (Hirsh/Wickersham—TLC-Melton).	E—1/14/81 3rd prelim. draft of notice to TLC and E 2/11/81 Comments fm TLC.	1
Sections 402(a)(2), 402(e), 403(a)(2)(A)(iii), 411(d)(1), EE-14-78.	Inc. Tax—Part 1—Treatment of certain lump sum distributions (Pub. L. 93-406, section 2005) (TRA 1976, section 1512) (Levontin/Wickersham—TLC-Melton).	EE—4/30/75 Notice pub. 8/12/75 Hearing held 9/17/79 2nd rev. draft of T.D. to TLC and EP 8/14/80 Comments fm TLC and E.	2
Sections 402(a) (5), (6), (7), 401(a)(20), 403 (a)(4), (a)(5), (b)(1), (b)(8), 404(a)(2), 691(c)(5), 805(d)(1)(c), EE-15-78.	Inc. Tax—Part 1—Tax-free rollovers of lump sum distributions and plan termination payments. Lump sum distributions made with respect to a decedent (Pub. L. 94-267; Pub. L. 95-458, section 4; Rev. Act 1978, sections 156 (a), (b), 157 (f), (g), (h)(1); Tech. Corr. Act 1979, section 101(a)(8)(A)) (Levontin/Wickersham—TLC-Melton).	TLC and E—2/19/80 2nd rev. prelim. draft of notice to TLC and E.	2
Section 403(b)(7), EE-17-78	Inc. Tax—Part 1—Taxability of beneficiary under annuity purchased by section 501(c) organization or public school (Pub. L. 93-406, section 1022(e); TRA 1976, section 1504) (Beker/Thrasher—TLC-Melton).	EE—2/10/78 Notice pub. 12/30/80 Partial rev. notice pub.	2
Sections 404 (a)(1), (a)(6), (a)(7), (a)(3)(A), and (g), 412(c)(2)(A), 413 (b)(7) and (c)(6), EE-141-79.	Inc. Tax—Part 1—Deduction limitations and funding rules for valuing certain agreements (Pub. L. 93-406, sections 1013, 1014, 4081(b); Pub. L. 94-12, section 402) (Beker/Marget).	EE—In EE for prep of notice	2
Section 404 (d), (b), EE-44-79	Inc. Tax—Part 1—Deferred Compensation payments to independent contractors (Rev. Act of 1978, section 133) (Berger/Thrasher—TLC-Sorensen).	EE—4/23/80 Prelim. draft of notice to TLC and E:A 2/6/81 Comments fm TLC and E:A.	2
Section 408(l), EE-109-79	Inc. Tax—Part 5—Temporary Regs. relating to reporting and disclosure requirements for simplified employee pensions (Rev. Act of 1978, section 152(b)) (Pub. L. 95-600) (Gibbs-Wickersham—TLC-Melton).	EE—4/4/80 T.D. ret'd to EE for revision	1
Section 411(d)(1), EE-164-78	Inc. Tax—Part 1—Coordination of vesting and nondiscrimination requirements for qualified plans (ERISA section 1012(a)) (Maldonado/Wickersham—TLC-Melton).	EE—4/9/80 Notice pub. 6/12/80 Partial rev. notice pub. 7/10/80 Hearing held 8/12/80 Prelim. draft of T.D. to TLC and E 10/7/80 Comments fm TLC and E.	2
Sections 412, 413(b), (5), (6)(c), (4), (5), 4971(c)(4), EE-99-78.	Inc. Tax—Part 1, Excise Tax Regulations—Funding for qualified plans (ERISA, sections 1013(a), (1014)) (Horowitz/Marget—TLC-Sorensen).	EE—11/16/79 Prelim. draft of notice to TLC and E 6/13/80 Comments fm TLC and E.	2
Section 412(c)(3), EE-151-80	Inc. Tax—Part 1—Term, etc. funding for ancillary benefits (ERISA, sections 1013 (a), 3(31)) (Horowitz/Marget).	EE—In EE for prep of notice	2
Section 414(a), EE-22-78	Inc. Tax—Part 1—Definitions and special rules; Service for predecesor (Pub. L. 93-406, section 1015) (Hirsh/Wickersham—TLC-Melton).	TLC and E—12/12/80 2nd prelim. draft of notice to TLC and E.	2
Section 457, EE-176-78	Inc. Tax—Part 1—Deferred compensation plans of State and Local Governments (Rev. Act. 1978, section 131) (Kamikawa/McGovern—TLC-Melton).	EE—12/24/80 Notice pub	1
Sections 501(c)(3), 170(c)(2)(B), 2055(a), 2522(a), EE-53-79.	Inc. Tax—Part 1, Estate Tax—Part 20, Gift Tax—Part 25, Exemption of certain amateur athletic organizations from tax (Tax Reform Act of 1976, section 1313) (K. Johnson/Thrasher—TLC-Yecies).	EE—5/10/79 Notice pub. under LR-172-76 10/9/79 Hearing held In EE for prep of T.D..	3
Section 501 (c)(7) and (i), EE-43-78	Inc. Tax—Part 1 Tax treatment of certain social clubs and prohibition of discrimination by certain social clubs (Pub. L. 94-568) (Berger/Thrasher—TLC-Yecies and Goodman).	EE—1/30/81 Notice ret'd to EE for revision	2
Section 501(e), EE-44-78	Inc. Tax—Part Inc. Tax—Part 1—Amdmt. of regs. to reflect the grant of tax exempt status to certain Hospital Service Orgs. (Pub. L. 90-364, section 109) (Becker/Thrasher—TLC-Yecies).	TLC—8/31/78 Prelim. draft of notice to TLC and EPEO 10/6/78 comments rec'd fm EPEO.	3
Sections 501(h), 504, 4911, 170(f), EE-154-78	Inc. Tax—Part 1—Lobbying by public charities (TRA 1976, section 1307 (a), (b)) (G. Baker/McGovern—TLC-Yecies).	TLC—2/28/80 3rd prelim. draft of notice to TLC and E 5/30/80 Comments fm E.	1
Section 509(a)(2), EE-45-78	Inc. Tax—Part 1—Definition of a private foundation (Pub. L. 94-81, section 3) (Berger/Thrasher—TLC-Baneman).	E—7/24/79 Notice pub. 10/10/80 Rev. notice pub. 1/15/81 T.D. Fwd for formal approval.	3
Sections 512, 514, 851, 4940, EE-146-78	Inc. Tax—Part 1—Excise Tax—Part 53, Treatment of income from payments with respect to securities loans (Pub. L. 95-345, section 2) (Kamikawa/McGovern—TLC-Sims).	TLC—10/25/79 Prelim. draft of notice to TLC and E 11/20/79 Comments fm E.	3
Section 513(d), EE-155-78	Inc. Tax—Part 1—Activities of trade shows and state fairs (TRA 1976, section 1305) (Horowitz/Thrasher—TLC-Sims).	EE—12/9/80 Notice pub	2
Section 513(e), EE-46-78	Inc. Tax—Part 1—Hospital services not to constitute an unrelated trade or business (TRA 1976, section 1311) (Kerby/McGovern—TLC-Sims).	TLC—3/27/79 Prelim. draft of notice to TLC and EO 4/9/79 Comments fm EO.	2
Section 1379, EE-35-78	Inc. Tax—Part 1—Qualified pension, etc. plans of small business corps. (section 531, TRA 1969) (Kamikawa/McGovern—TLC-Melton).	TLC and E—5/6/72 Notice pub. 7/24/72 Conference held 8/13/80 2nd rev. prelim. draft of T.D. to TLC and E.	1
Section 4942, EE-69-80	Foundation Excise Tax—Part 53—Exclusion of future interest from the minimum investment return computation (G. Baker/McGovern).	EE—In EE for prep of notice	2
Section 4942(g)(2), EE-156-78	Foundation Excise Tax—Part 53—Private foundation set-asides (TRA 1976, section 1302) (Kerby/McGovern—TLC-Baneman.	EE—8/26/80 Notice pub. In EE for prep of T.D.	3
Section 4943, EE-162-78	Foundation Excise Tax—Part 53, Taxes on excess business holdings of private foundations—Effect of reorganizations and corporate distributions (Rivera/Wickersham—TLC-Baneman).	TLC—5/22/79 Notice pub. 8/16/79 Partial rev. notice pub. 9/6/79 Hrg. held 11/13/80 3rd prelim. draft of T.D. to TLC and E 12/2/80 Comments fm E.	2
Sections 6059, 6692, EE-27-78	Proc. and Admin.—Part 301—Periodic report of actuaries; and failure to file actuarial report (Pub. L. 93-406, section 1033) (G. Baker/McGovern—TLC-Sorensen).	EE—7/8/80 Notice pub. 11/12/80 Hrg. held 12/5/80 Prelim. draft of T.D. to TLC and E 2/12/81 Comments fm E 2/18/81 Comments fm TLC.	3
Section 6104(a), EE-28-78	Proc. and Admin.—Part 301—Inspection of certain information with respect to pensions, profit-sharing, and stock bonus plans (Pub. L. 93-406, section 1022(g)) (Accettura/McGovern—TLC-Sorensen).	EE—12/30/80 Notice pub	2
Section 6104(b), EE-160-78	Proc. and Admin.—Part 301—Procedures used for making returns filed by exempt organizations available for public inspection (Hirsh/Wickersham—TLC-Yecies).	Treas.—1/26/81 T.D. signed by Commr	3

Part II.—*Regulations Under Development by the Employee Plans and Exempt Organizations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
Section 6211, EE-159-78	Proc. and Admin.—Part 301—Deficiency procedures, etc. relating to excise taxes imposed by Chapters 42 and 43 (Hirsh/Wickersham—TLC-Yecies).	TLC and E—8/25/80 Notice pub. 12/31/80 Prelim. draft of T.D. to TLC and E.	3

Part III.—*Regulation Projects Under Which Existing Regulations Are To Be Reviewed Pursuant to Paragraph 12 of Treasury Directive 50-04.F*

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
Sections 3, 4, 144, LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (sections 206, 301 (b), (c), Rev. Act 1971; section 501, TRA 1976) (Haglund-Saverude).	LR—In LR for prep of notice	2
Sections 11, 21, LR-33-76	Inc. Tax—Part 1—Corporate tax rates and surtax exemptions (Rev. Adj. Act 1975, section 4; TRA 1976, section 901 (a), (c)(2)) (Murphy-Saverude).	LR—In LR for prep of notice	2
Sections 104 (a), (b), 105(d), LR-159-76	Inc. Tax—Part 1—Changes in exclusion for sick pay and certain military, etc. disability pensions; Certain disability income (TRA 1976, section 505; TR&SA, section 301) (Parcell/Fischer—TLC-Krupsky).	TLC—7/9/80 Notice pub. 11/12/80 Draft of T.D. to TLC and T:I 12/16/80 Comments from T:I.	2
Section 303, LR-124-76	Inc. Tax—Part 1—Distributions in redemption of stock to pay death taxes (TRA 1976, section 2004(e)) (Kissel/Blumkin—TLC-Levinson).	TLC—3/3/77 Draft of notice to TLC and T:C, 5/17/77 Approved by T:C.	2
Sections 368(a)(2)(F), 721, 722, 723, 683, LR-135-76.	Inc. Tax—Part 1—Exchange funds (TRA 1976, section 2131) (Swift/Blumkin—TLC-Rabinovitz/Krupsky).	LR—1/7/81 Notice pub	1
Section 512(a)(3), LR-1744	Inc. Tax—Part 1—Social clubs—Unrelated business income (TRA 1969, section 121(b)(1)) (Mix/Fischer—TLC-Sims).	TLC—5/13/71 Notice pub. 8/31/71 Hrg. held 7/3/80 Rev. draft of T.D. to TLC.	2
Sections 584 (a)(1), (c)(1) (A) and (B), (c)(2), (e), 6032, LR-133-76.	Inc. Tax—Part 1—Tax treatment of common trust funds (Pub. L.'s 94-414, section 1; 94-455; TRA 1976, sections 2138(a), 1042(b), 1901(b), 2131(d)) (Schreiner/Coulter—TLC-Sims).	LR—9/22/80 Notice pub. 2/19/81 Hrg. held	2
Section 904(b) (2) and (3), LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, sections 1031, 1034; RA 1978, sections 403(c)(4), 701(C) (2) and (3) (Feldman/Felton—ILC-Dolan).	ITC—6/20/80 Rev. draft of notice to ITC and T:C 1/14/81 Comments from T:C.	1
Section 904(e), LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign taxes as a result of repeal of percountry limitation by sec. 1031(a), TRA 1976 (Bouma/Felton—ILC-Dolan).	ITC—11/26/80 Rev. draft of notice to ITC and T:C 1/14/81 Comments from T:C.	2
Section 995, LR-246-76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, section 1101 (a), (g) (1) and (5)) (Feldman/Felton—ILC-Fogarasi).	LR—2/10/81 Notice to DED for formal approval.	1
Section 1250, LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, sections 202, 1901(b), 1951(e), 2121(b), 2124(a)) (Thompson/Coulter).	LR—IN LR for prep of notice	3
Section 1348, LR-156-76	Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, section 302) (Keesler/Fischer—TLC-Roche).	LR—5/6/77 Notice ret'd. to LR for revision	2
Sections 1491, 1057, LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, section 1015) (Klein/Felton—ILC-Krupsky).	LR—In LR for prep of notice	1
Sections 4041, 4042, 4054, 4058, LR-2118	Exc. Tax—Applicable to articles sold on or after 7/1/65 (Pub. L. 89-44) (Hartley/Saverude—TLC-Roche/Schuldinger).	LR—10/22/80 Notice pub. 4/8/81 Hrg. to be held.	3
Sections 4061, 4063, LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (Pub. L. 89-44) (Small/Saverude—TLC-Pike).	T:I—7/30/80 Draft of notice to TLC and T:I 8/14/80 Comments from TLC.	3
Sections 4071-4073, LR-2114	Exc. Tax—Applicable to tires, etc. sold on or after 7/1/65 (Pub. L. 89-44) (Tolleris/Saverude—TLC-Pike).	LR—12/4/80 Notice pub	3
Sections 4081-4084, 4091-4092, 4101, 4102, LR-2117.	Exc. Tax—Applicable to gasoline and lubricating oil sold on or after 7/1/65 (Pub. L. 89-44) (Hartley/Saverude—TLC-Roche/Schuldinger).	Treas. 1/6/81 Notice to Treas. for formal approval.	3
Section 7502, LR-1406	Proc. and Admin.—Part 301—Amendments of regs. relating to the timely mailing of deposits (Pub. L. 90-364, section 106) (Bennett/Fischer—TLC-Yecies).	TLC and T:I—12/11/79 Notice pub. 4/7/80 Draft of T.D. to TLC and T:I.	3

Part IV.—*Regulations Projects Closed Between September 1, 1980, and February 28, 1981*

1954 code section and file No.	Subject, drafter, and reviewer	Disposition
Section 37, LR-250-76	Inc. Tax—Part 1—Credit for the elderly (TRA 1976, Sections 503, 1901(c)(1)) (Francis/Bromell—TLC-Yecies).	T.D. published in FR on 12-22-80.
Section 46, LR-139-76	Inc. Tax—Part 1—To conform to changes made by section 802, TRA 1976, Section 301(a), (Energy Tax Act 1978) (Pearson/Blumkin—TLC-Sims).	T.D. published in FR on 1-7-81.
Section 48(l), LR-165-77	Inc. Tax—Part 1—Definition of energy property for the business investment credit (Energy Tax Act 1978; section 301 (Pearson/Blumkin—TLC-Schuldinger/Roche).	T.D. published in FR on 1-22-81.
Section 103(b), LR-233-78	Inc. Tax—Part 1—To clarify the definition of an airport (MacMaster/Coulter—TLC-Gallagher)	T.D. published in FR on 11-17-80.
Section 105(h), 3401(a)(2), EE-167-78.	Inc. Tax—Part 1—Medical expense reimbursement plans. Inc. Tax withholding Pub. L. 95-600; Pub. L. 96-222; Rev. Act 1978, section 366; Tech. Corr. Act 1979, section 103(a)(13)) (/Wichersham—TLC-Melton).	T.D. published in FR on 1-15-81.
Section 167(a), LR-107-78	Inc. Tax—Part 1—Relating to conventions for vintage accounts (Kissell/Blumkin—TLC-Goodman)	T.D. published in FR on 1-22-81.
Section 175, LR-1947	Inc. Tax—Part 1—Soil and water conservation expenditures—*Estate of Howard L. Straughn*, 55 T.C. 21 (1971) (Francis/Bromell—TLC-Melton).	T.D. published in FR on 11-26-80.
Section 337, LR-227-78	Inc. Tax—Part 1—60-day extension of 12-month period if there is an involuntary conversion (Pub. L. 95-628) (Axelrod/Blumkin—TLC-Krupsky).	T.D. published in FR on 10-1-80.
Section 368, LR-93-79	Inc. Tax—Part 1—Clarification of continuity of business enterprise requirement for corporate reorgs. (McKee/Blumkin—TLC-Yecies).	T.D. published in FR on 12-31-80.
Section 385, LR-1661	Inc. Tax—Part 1—Treatment of certain corporate interests as stock or indebtedness (TRA 1969, section 415) (Levine/Blumkin—TLC-Baneman).	T.D. published in FR on 12-31-80.
Section 401(a)(18), (j), EE-29-78	Inc. Tax—Part 1—Defined benefit plans H.R. 10 and Subch. S corps. (Pub. L. 93-406, section 2001(d)) (/Wickersham—TLC-Sorenson).	T.D. published in FR on 1-23-81.
Section 402(e)(4)(L), EE-16-75	Inc. Tax—Part 1—Lump sum distributions from qualified pension, etc. plans (TRA 1976, section 1512) (R. Johnson/Wickersham—TLC-Melton).	Project closed without regulations 10-17-80.
Sections 404(a)(1), (3)(A), (6), (7)(g), 413(b)(7), (c)(6), EE-33-78.	Inc. Tax—Part 1—Deduction limitation (Pub. L. 93-406, sections 1014, 1013(c)(1), (2), (3), 204(b), 4081(a)); TRA 1975 (Pub. L. 94-12) section 402 amending 1964 Code section 404(a)(6)) (Horowitz/Marget—TLC-Sorensen).	T.D. published in FR on 1-22-81.
Section 410, EE-20-78	Inc. Tax—Part 1—Coverage and eligibility rules for minimum participation standards (ERISA, section 1011) (/Wickersham—TLC-Sorensen).	T.D. published in FR on 11-12-80.
Section 412(b)(3), EE-101-78	Inc. Tax—Part 1—Credits to funding standard account (ERISA, section 1013(a) (/Marget—TLC-Sorensen).	T.D. published in FR on 1-22-81.
Section 412(c)(1), EE-100-78	Inc. Tax—Part 1—Determinations to be made under funding method (ERISA, section 1013(a)) (Hennessy/Marget—TLC-Sorensen).	T.D. published in FR on 11-14-80.
Section 412(c)(2), EE-102-78	Inc. Tax—Part 1—General rules for valuation of assets (ERISA, section 1013(a)) (Beker/Marget—TLC-Sorensen).	T.D. published in FR on 11-12-80.

Part IV.—*Regulations Projects Closed Between September 1, 1980, and February 28, 1981*—Continued

1954 code section and file No.	Subject, drafter, and reviewer	Disposition
Section 412(c)(3), EE-150-78	Inc. Tax—Part 1—Reasonable actuarial methods (ERISA, section 1013(a), 3 (31)) (Horowitz/Marget—TLC-Sorensen).	T.D. published in FR on 12-31-80.
Section 414(c), LR-113-80	Inc. Tax—Part 1—Facts and circumstances test for common control (McKee/Blumkin—	Project closed without regulations on 9-24-80.
Section 415, EE-24-78	Inc. Tax—Part 1—Limitation on contribution and benefits (Pub. L. 93-406, section 2004) (/ Wickersham—TLC-Melton).	T.D. published in FR on 1-7-81.
Section 453, EE-183-80	Temp Inc. Tax—Part 15A—General rules for reporting installment sales (Mix/Fisher—TLC-Roche)	T.D. published in FR on 2-4-81.
Section 472, EE-84-77	Inc. Tax—Part 1—Conformity requirement incident to use of LIFO inventory method; Use of market value (Lanning/Fischer—TLC-Brown).	T.D. published in FR on 1-22-81.
Section 501(c)(9), EE-153-78	Inc. Tax—Part 1—Voluntary employees beneficiary associations (as amended by sec. 121(b)(5)(A) TRA 1969) (K. Johnson/Thrasher—TLC-Sims).	T.D. published in FR on 1-7-81.
Section 527, LR-16-75	Inc. Tax—Part 1—Political organizations (Pub. L. 93-625) (/Felton—TLC.-Krupsky)	T.D. published in FR on 12-30-80.
Sections 856-860, 172(b), (d), 316(b), 381(c)(25), 443(e)(5), 4981, 6161(b), 6211-6213(a), 6422, 6501(i), 6512, 6515, 6601(c), 6697, 7422, LR-218-76.	Inc. Tax—Part 1—Real Estate Investment Trusts (TRA 1976, sections 1601-1608, 1901 (a), (b), 1906 (a), (f)) (Pub. L. 93-625, section 6) (Whedbee/Blumkin—TLC-Levinson).	T.D. published in FR on 2-6-81.
Section 861(a)(1)(H), LR-41-75	Inc. Tax—Part 1—Subch. N—as added by sec. 9(a) of Pub. L. 93-625, with respect to source of interest of certain debt obligations (Renfroe/Felton—ITC-Dolan).	Project closed without regulations on 9-18-80.
861(a)(1)(B), LR-173-75	Inc. Tax—Part 1—To determine source of interest on court judgments, source of commitment fees and acceptance fees, and application of section 861 to interest paid by certain domestic corps.— Amdmt. of § 1.861-4 to determine application of payroll cost method (Banks-Felton—ITC-Dolan).	T.D. published in FR on 12-9-80.
Section 882, LR-86-79	Inc. Tax—Part 1—Allowance of deductions to foreign corps. (Bouma/Saverude—TLC-Krupsky)	T.D. published in FR on 1-7-81.
Section 901, 903, LR-100-78	Inc. Tax—Part 1—To provide rules setting forth requirements for creditable foreign taxes (Horowitz/Felton—ITC-Hannes).	T.D. published in FR on 1-17-80.
Section 911, 913, LR-2-79	Inc. Tax—Part 1—Treatment of foreign earned incomed derived by U.S. citizens and residents (Foreign Earned Income Act 1978, sections 4, 202, 203) (Dean/Felton—ITC-Dolan).	T.D. published in FR on 11-18-80.
Sections 999, 908, 952(a), 995(b)(1), LR-235-76.	Inc. Tax—Part 1—Denial of certain tax benefits for cooperation with or participation in international boycotts (TRA 1976, sections 1061-1066(a)) (Schreiner/Felton—ITC-Dolan).	Project closed without regulations on 2-6-81.
Section 1001, LR-165-79	Inc. Tax—Part 1—Taxpayer who owns property subject to certain types of indebtedness realizes income at death (Small/Smith).	Project closed without regulations on 11-10-80.
Section 1001, LR-52-79	Inc. Tax—Part 1—Discharge of liabilities on the sale or other disposition of property (Parcell/Fischer—TLC-Levinson).	T.D. published in FR on 12-12-80.
Section 1033(g)(3), LR-268-76	Inc. Tax—Part 1—Election to treat outdoor advertising displays as real property (TRA 1976, section 2127) (Charnas/Bromell—TLC-Gallagher).	T.D. published in FR on 1-22-81.
Section 1222, LR-273-76	Inc. Tax—Part 1—Increase in holding period required for capital gain or loss to be long term (TRA 1976, sections 1402, 1901(a)(136)) (Ausness/Coulter—TLC-Gallagher).	T.D. published in FR on 11-3-80.
Sections 1391-1397, LR-198-78	Inc. Tax—Part 1—General stock ownership corps. (RA 1978, section 601) (Francis/Bromell)	Project closed without regulations on 11-28-80.
Section 1502, LR-45-76	Inc. Tax—Part 1—To provide rules for consolidated application of section 613A of the Code re limitations on percentage depletion in the case of oil and gas wells (TRA 1975, and section 501) (Axelrod/Blumkin—TLC-Brown).	T.D. published in FR on 10-3-80.
Section 2039 (c), (e), 2517, EE-25-78.	Est. & Gift—Parts 20 and 25—Exclusion of certain retirement benefits from gross estate (TRA 1976, and 2009(c), Rev. Act 1978, and section 142) (R. Johnson/Wickersham—TLC-Sorensen).	T.D. published in FR on 1-23-81.
Section 2040(d), LR-140-80	Temp. Est. Tax—Part 23—Election to treat certain jointly held property as qualified joint interest (Small/Grundeman—TLC-Sorensen).	T.D. published in FR on 11-5-80.
Section 2621, LR-22-81	Temp. Regs—Est. and Gift Tax—Part 26a—Generation-skipping transfer tax return requirements (TRA 1976, Section 2206(a) (Waltuch/Smith).	T.D. published in FR on 2-5-81.
Section 3507, LR-188-78	Empl. Tax—Part 31—Advance payments of earned income credit (RA 1978, Section 105(b) (Murphy/Saverude—TLC-Goodman).	T.D. published in FR on 2-2-81.
Section 4042, LR-175-78	Mfgrs. and Retlrs. Exc. Tax—Part 48—Tax on fuel used in commercial transportation on inland waterways (Pub. L. 95-902, Section 202) (Harman/Smith—TLC-Copeland).	T.D. published in FR on 10-27-80.
Section 4063, LR-102-80	Mfgrs. and Retlrs. Exc. Tax—Part 48—Exemption of rebuilt parts from mfgrs. exc. tax on automotive parts and accessories (Pub. L. 88-653, Section 5) (Small/Saverude).	Project closed without regulations 9-10-80.
Sections 4218(a), 4221(a), 4293, 6416, LR-61-78.	Mfgrs. and Retlrs. Exc. Tax—Part 48—Excise tax on coal (Black Lung Benefits Rev. Act 1978, Section 2) (Waltuch/Smith—TLC-Copeland).	T.D. published in FR on 10-7-80.
Section 4221-2, LR-58-79	Mfgrs. and Retlrs. Exc. Tax—Part 48—Tax-free sales of articles to be used for, or resold for, further manufacture (Coplan/Smith—TLC-Copeland).	T.D. published in FR on 1-13-81.
Section 4221, LR-13-80	Mfgrs. and Retlrs. Exc. Tax—Part 48—Imposition of taxes on importers of used, previously exported articles (Kusma/Saverude—TLC-Copeland).	T.D. published in FR on 11-9-80.
Section 4491, LR-163-80	Exc. Tax—Part 154—Tempo Regs.—Tax on use of civil aircraft to specify filing date for returns for period 7/1-9/30/80 (McKee/Whedbee).	T.D. published in FR on 1-8-81.
Section 4491, LR-33-81	Temp. Exc. Tax Part 154—Use of civil aircraft to extend the filing date for returns for the period 7/1/80 through 9/30/80 (McKee/Whedbee).	T.D. published in FR on 2-27-81.
Section 4942(j)(6), EE-2-79	Foundation Excise Tax—Part 53—Certain elderly care facilities (Rev. Act of 1978 Section 522) (Kerby/McGovern—TLC-Baneman).	T.D. published in FR on 9-4-80.
Sections 4972, 401(a)(10)(A)(ii), 401(c) (2), (3), (d)(4), 1379(b), EE-37-78.	Inc. Tax—Part 1—Exc. Tax—Part 54—H.R. 10 plans, excess contributions and premature distributions (Pub. L. 93-406, Sections 1022(b), 2001(b), (e), (f), (h)(1)) (Maldonado/Wickersham—TLC-Sorensen).	T.D. published in FR on 1-22-81.
Section 4988, LR-4-81	Temp. Exc. Tax—Part 150—Relating to various administrative provisions (IRC 1954, Sections 4988, 4995, 4996-97) (Cubeta/Bromell).	T.D. published in FR on 1-19-81.
Section 4989, LR-65-80	Exc. Tax—Part 150—To provide rules relating to base prices of Tier 2 and Tier 3 oil removed after 9/30/80 (Crude Oil Windfall Profit Tax Act 1980) (IRC 1954, Section 4989-1(c)).	T.D. published in FR on 9-30-80.
Section 4989, LR-168-80	Exc. Tax—Part 150—Temp. Regs.—Base prices for purposes of the Crude Oil Windfall Profits Tax Act 1980 (IRC 1954, Section 4989(d)(1)).	T.D. published in FR on 11-14-80.
Sections 4995, 4997, 6402, LR-167-80.	Exc. Tax—Part 150—Implementing the Crude Oil Windfall Profit Tax Act of 1980 (Cubeta/Bromell)	T.D. published in FR on 11-5-80.
Section 4995 LR-40-81	Exc. Tax—Part 150—Temp. Regs.—To relay certain rules with respect to qualified disburser election (IRC 1954, Section 4995) (Cubeta/Bromell).	T.D. published in FR on 2-23-81.
Section 4996, LR-219-80	Exc. Tax—Part 150—Temp. Regs.—Definition of "Producer" (Crude Oil Windfall Profit Tax Act of 1980) (IRC 1954, Section 4996(a)(1)) (Cubeta/Bromell).	T.D. published in FR on 12-11-80.
Section 6073, LR-130-79	Inc. Tax—Part 1—Declarations of estimated income tax of farmers and fishermen and nonresident aliens (Act of 11/10/78, Section 7 TRA 1976, Section 1012(c)) (Ausness/Coulter—TLC—Gallagher).	T.D. published in FR on 9-15-80.
Section 4989-1(c)(2), LR-141-80	Temp. Exc. Tax—Part 150—To clarify the interim rule for determining base prices for tier 2 and tier 3 oil (Crude Oil Windfall Profit Tax Act of 1980) (Cubeta/Bromell).	T.D. published in FR on 9-24-80.
Sections 6103(a), (c), (j)(1), (k)(6), (l)(2), (n), LR-140-77.	Proc. and Admin.—Part 301—Disclosure of return information by IRS officers and (TRA 1976, Section 1202(a)) (Dickinson—TLC-Krupsky).	T.D. published in FR on 10-3-80.
Section 6103(j)(1), LR-5-80	Proc. and Admin.—Part 301—To prescribe rules for disclosure of returns and return (Dickinson—TLC-Krupsky).	T.D. published in FR on 10-3-80.
Section 6693, etc., EE-19-78	Inc. Tax—Part 1—Reporting requirements, penalties and conforming amdmts. re individual retirement accounts (ERISA, Sections 2002(f), (g) (exc. (g)(5)) (Maldonado-Wickersham—TLC-Melton).	T.D. published in FR on 11-3-80.

Part IV.—*Regulations Projects Closed Between September 1, 1980, and February 28, 1981*—Continued

1954 code section and file No.	Subject, drafter, and reviewer	Disposition
Sections 7517, 2031(c), 2616(c), 6075(b), LR-215-76.	Est. Tax—Gift Tax—Proc. and Admin.—Parts 20, 25, 301—Furnishing on request of statement explaining estate or gift valuation and filing of gift tax returns (TRA 1976, Section 2008(a), (b)) (Waltuch/Smith—TLC-Sorensen).	T.D. published in FR on 1-22-81.

Table of Abbreviations

Abbreviation and Meaning

ACTS or TX—Office of Assistant Commissioner (Taxpayer Service and Returns Processing)
adj.—adjustment
admin.—administration
amdmt.—amendment
appvd.—approved
C or Comm'r. or Comm.—Office of Commissioner
CC—Office of Chief Counsel
CC:I—Office of Chief Counsel Interpretive Division
co.—company
corp.—corporation
E or EPEO—Office of Assistant Commissioner (Employee Plans and Exempt Organizations)
EE—Office of Chief Counsel, Employee Plans and Exempt Organizations Division
EO—Exempt Organizations Division
EP—Employee Plans Division
ERISA—Employee Retirement Income Security Act
est.—estate
exc.—excise
F.R.—Federal Register
fwd.—forwarded
govt.—government
hrg.—hearing
inc.—income
ITC—Office of International Tax Counsel (Treasury)
LR—Office of Chief Counsel, Legislation and Regulations Division
mfgr.—manufacturer
misc.—miscellaneous
org.—organization
perm.—permanent
P.L. or Pub. L.—Public Law
P & R—Office of Assistant Commissioner (Planning and Research)
prelim.—preliminary
prep.—preparation
proc.—procedure
prop.—proposed
prov.—provision
pub.—published
RA—Revenue Act
rec'd—Received
reg.—regulation
repub.—republished
ret'd—returned
rtlr—retailer
rev.—revenue, revised, or review (depending on context)
sec. or §—section
soc. sec.—social security
subch.—subchapter
T or Tech—Office of Assistant Commissioner (Technical)
T:C—Corporation Tax Division
T.D.—Treasury decision
temp.—temporary
T:I—Individual Tax Division
T:FP—Tax Forms and Publications Division
TLC—Office of Tax Legislative Counsel (Treasury)
T/P—taxpayer
TRA—Tax Reform Act
Treas.—Department of the Treasury
TR & SA—Tax Reduction & Simplification Act

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 81-000]

Semiannual Agenda of Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Semiannual Agenda of Regulations, significant and selected nonsignificant, under development and review.

SUMMARY: This semiannual agenda lists regulations that the Bureau of Alcohol, Tobacco and Firearms (ATF) will be developing and reviewing from April 15, 1981, through October 15, 1981. The purpose of the semiannual agenda is to give the public adequate notice of ATF regulatory activities. This agenda also incorporates the provisions of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda, contact Robert White.

For information about any particular item on the semiannual agenda, contact the individual listed in the second column, subheading "Contact," for that item.

Unless otherwise noted, the telephone number for all contact persons is: 202-566-7626 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Description

This Semiannual Agenda of Regulations is divided into two parts. Part I lists all regulation projects concerned with the development of regulations which ATF has under consideration as of April 15, 1981. Part II lists existing regulations which are being reviewed pursuant to Treasury Directive 50-04.F, paragraph 12. A table, which defines abbreviations used throughout this semiannual agenda, follows Part II. Part I and Part II are set up in columnar form and are composed of the following divisions:

1. *Title/Citation.*

The first column states briefly the subject of the regulation and the affected part number of Title 27 of the Code of Federal Regulations.

2. *Summary.*

The second column includes—

Description—A description of the proposed or final rule, or of the regulatory matter under consideration;

Need—A brief statement of why the regulation is needed;

Legal basis—The legal basis for the action being taken;

Contact—The name of the person to be contacted for additional information;

Status—The current or anticipated chronology of the development of the regulation, including any final action taken since the last semiannual agenda;

Priority—If the regulation project is assigned the letter "A", it is considered top priority, a "B" regulation project is considered high priority, and a "C" regulation project is considered regular priority.

Regulatory analysis—If a regulatory analysis is required for a regulation project, a statement to that effect will appear.

Regulatory flexibility analysis—If a regulatory flexibility analysis is required for a regulation project coming under the Regulatory Flexibility Act, a statement to that effect will appear. If not, a statement to that effect will appear.

The next ATF semiannual agenda will be published in the **Federal Register** of Thursday, October 15, 1981.

Issuance

By direction of the Secretary of the Treasury, this Semiannual Agenda of Regulations reads as set forth below.

Signed: March 24, 1981.

G. R. Dickerson,

Director.

Part I.—*Regulations Under Development*

Title/citation	Summary
Alcohol	
50 ml Container for Wine, 27 CFR 4.73	*Description:* Adds a 50 ml (1.7 fluid ounce) size to the standards of fill for wine. Also includes the project to eliminate the regulatory requirement that wine be packed with a specified number of bottles per case. (Rev.) *Need:* Some types of wine, especially sherry and port wines, have traditionally been produced in a miniature size for sale by airlines and railroads. Under current regulations, no sizes smaller than 100 ml may be used in the United States. *Legal basis:* 27 U.S.C. 205. *Contact:* Charles N. Bacon. *Status:* T.D. published January 6, 1981 (46 FR 1725), effective March 30, 1981. *Priority:* C.
Multi-vintage Dates and Percentages, 27 CFR Part 4	*Description:* Will provide for the labeling and advertising of the distinct vintages and the percentages of each which compose a blended wine's components. (Rev.) *Need:* Responds to a petition to permit the labeling of multivintage dates and percentages. *Legal basis:* 27 U.S.C. 205. *Contact:* Roger L. Bowling. *Status:* ANPRM published November 13, 1980 (45 FR 74942); comment period ended January 12, 1981. Comments are being evaluated. *Priority:* C. *Regulatory flexibility analysis:* None anticipated.
Appellations of Origin, 27 CRF Part 4	*Description:* Will require foreign wine imported into the United States to be in conformity with the foreign laws and regulations governing the composition, method of production, and designation for wines available for consumption in the appropriate foreign country. (Rev.) *Need:* Will ensure that wines imported into the United States will be produced and labeled in accordance with the laws and regulations governing wine sold in the country of origin. *Legal basis:* 27 U.S.C. 205. *Contact:* Roger L. Bowling. *Status:* NPRM published December 15, 1980 (45 FR 82275). Comment period closed February 13, 1981. Comments are being evaluated. *Priority:* A.
Foreign Appellations of Origin, 27 CFR Parts 4 and 12	*Description:* Will update names of geographic and viticultural significance and will provide for the listing of all foreign appellations of origin recognized by ATF for use on labels of imported wine. (Rev. New) *Need:* Will update current regulations and provide a source of information concerning foreign appellations of origin. *Legal basis:* 27 U.S.C. 205. *Contact:* Roger L. Bowling or Joan Deerwester. *Status:* Revision currently under internal development; NPRM publication targeted for Spring 1981. *Priority:* C. *Regulatory flexibility analysis:* None anticipated.

Part I.—*Regulations Under Development*—Continued

Title/citation	Summary
Exemption of Bulk Containers and Form 5100.14 (1649), 27 CFR Parts 4, 5, and 7.	*Description:* Will exempt beer barrels and kegs and wine containers of 18 liters or more from the ingredient labeling regulations; provides a new Form 5100.14 (1649) which performs both functions of the Form 1649 and Form 1649A. (Rev.) *Need:* Since consumers rarely purchase these bulk packages, it is unnecessary to require ingredient information on them; the new Form 5100.14 (1649) will reduce the paperwork load and processing time for industry and ATF in applying for and receiving label approvals. *Legal basis:* 27 U.S.C. 205. *Contact:* Roger L. Bowling. *Status:* Revision presently under review; T.D. publication targeted for Spring 1981. *Priority:* A.
Grape Brandy, 27 CFR Part 5	*Description:* ATF will consider whether a standard of identity for "varietal grape brandy" should be added to the present labeling designations of "brandy" and "grape brandy". (Rev.) *Need:* Responds to a petition to permit the labeling and advertising of brandies as produced from specific varieties of grapes. *Legal basis:* 27 U.S.C. 205. *Contact:* Armida N. Stickney. *Status:* ANPRM published January 2, 1980 (45 FR 50); comment period ended June 2, 1980. NPRM publication targeted for Autumn 1981. *Priority:* B. *Regulatory flexibility analysis:* None anticipated.
Implementation of the Wine Impact Bill (Public Law 96-598), 27 CFR Parts 5, 13, 19, 197, 250, 251 and 252.	*Description:* For distilled spirits containing wine or alcoholic flavoring materials, recently enacted legislation restores the tax system used prior to enactment of the Distilled Spirits Tax Revision Act of 1979. The law also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants. (Rev.) *Need:* To implement Public Law 96-598 which was signed by the President on December 24, 1980. *Legal basis:* 26 U.S.C. 5010. *Contact:* John Linthicum. *Status:* Temporary T.D. with N. targeted for publication Spring 1981. *Priority:* A. *Regulatory flexibility analysis:* None anticipated.
Credit to Retailers in Arrears, 27 CFR Part 6	*Description:* ATF will consider what approach to take regarding repayment of indebtedness where producers/wholesalers have extended credit to retail liquor dealers in excess of the usual and customary credit period of 30 days. *Need:* Some wholesalers and producers have created "tied-houses" with retailers by advancing large amounts of credit for long periods of time. Revenue Ruling 54-162 does not adequately resolve this problem. *Legal basis:* 27 U.S.C. 205. *Contact:* Charles N. Bacon. *Status:* NPRM published November 6, 1980 (45 FR 73692). Comment period ended February 4, 1981. Comments are being evaluated. *Priority:* A.
Prohibited Trade Practices under the FAA Act, 27 CFR Parts 6, 8, 10, and 11.	*Description:* Implements the trade practice subsections, 5(a)-5(d), of the FAA Act. Regulations will specify practices which are prohibited by the FAA Act and will list exceptions to those prohibitions. (Rev.) *Need:* Provisions of the FAA Act have been implemented through letters, ATF Rulings, and circulars. A need exists to update, revise, and codify these rulings. *Legal basis:* 27 U.S.C. 205. *Contact:* Charles N. Bacon. *Status:* T.D. published September 23, 1980 (45 FR 63242), effective November 24, 1980. *Priority:* A.
Proposed Viticultural Areas, 27 CFR Part 9	*Description:* Each project would establish an American viticultural area for purposes of labeling and advertising of wine. (New) *Need:* Responds to petitions from industry members to establish viticultural areas. *Legal basis:* 27 U.S.C. 205. *Contact:* Tom Minton. *Status:* Refer to the list of projects which follows. *Priority:* A.
1. Augusta, Missouri	*Status:* T.D. published June 20, 1980 (45 FR 41632).
2. The Pinnacles, Napa Valley, California	*Status:* Public hearing transcript for Pinnacles under study. T.D. for Napa Valley published January 28, 1981 (46 FR 9061), effective March 30, 1981. (Inquire contact person for further information on status.)
3. Los Carneros, North Coast, Santa Cruz, Santa Maria Valley, Sonoma Valley, CA.	*Status:* NPRM published December 15, 1980 (45 FR 82470). Public hearings were held in January 1981. T.D. under internal development.
4. Lime Kiln Valley, Guenoc Valley, San Pasqual Valley, California Fennville, Michigan.	*Status:* NPRM published October 27, 1980 (45 FR 70910 through 70914). Comment period ended December 26, 1980. Public hearings were held in January and February 1981. T.D. under internal development.
Finger Lakes, New York	*Status:* NPRM published November 6, 1980 (45 FR 73694). Comment period ended January 5, 1981. Public hearing held on February 11, 1981. T.D. under internal development.
5. Edna Valley, Cienega Valley, Paicines, McDowell Valley, Shenandoah Valley, California.	*Status:* NPRM under internal development. *Regulatory flexibility analysis:* None anticipated.
6. Livermore Valley, California Rocky Knob, Virginia Leelanau Peninsula, Michigan.	*Status:* NPRM under internal development. *Regulatory flexibility analysis:* None anticipated.
Determination of Color in White Wine and Treatment of Sherry with Activated Carbon, 27 CFR Part 240.	*Description:* ATF proposed to (1) replace the Lovibond Method with the Association of Official Analytical Chemists (AOAC) Method 11.B01-11.B02 for determining color in wine, (2) provide winemakers continuing authority to treat sherry with activiated carbon in order to remove excess color, and (3) set a new limitation on the amount of activated carbon to remove excess coloring from sherry. (Rev.) *Need:* Regulatory changes may be necessary to accommodate technological advances. *Legal basis:* 26 U.S.C. 5382. *Contact:* Armida N. Stickney. *Status:* T. D. publication targeted for Spring 1981. *Priority:* C.
Alcohol Fuels; Implementing a Portion of the Crude Oil Windfall Profit Tax Act of 1980, 27 CFR Part 19.	*Description:* The new law vests the Secretary of the Treasury with authority to provide for the waiver of provisions of law and regulations for distilled spirits plants established solely to produce, process and store, and use or distribute distilled spirits exclusively for fuel use. (New and Rev.) *Need:* ATF issued temporary regulations, effective July 1, 1980, to implement the law. *Legal basis:* 26 U.S.C. 5181. *Contact:* Norm Blake or Jimmie Whitley. *Status:* Temporary T.D. with N. published June 20, 1980. (45 FR 41838). Comment period ended October 20, 1980. Thirty-one comments were received. T.D. under internal development. T.D. will incorporated into the Regulations Implementing the Distilling Spirits Tax Revision Act of 1979. Publication targeted for Spring 1981. *Priority:* A.

Part I.—*Regulations Under Development*—Continued

Title/citation	Summary
Regulations Implementing the Distilled Spirits Tax Revision Act of 1979, 27 CFR Parts 5, 13, 19, 170, 173, 194, 195, 196, 197, 200, 211, 212, 213, 231, 240, 250, 251, and 252.	*Description:* The Distilled Spirits Tax Revision Act of 1979 (1) eliminated the wine gallon method for imposing the distilled spirits tax, (2) eliminated the rectification tax, and (3) converted DSP/s from the former distilled spirits tax systems to an all-in-bond tax system. (Rev.) *Need:* The Act was passed by Congress as a part of the Trade Agreements Act of 1979 and became effective on January 1, 1980. As a reuslt, ATF issued temporary regulations. *Legal basis:* Statutory provisions are contained in 26 U.S.C. Chapter 51. *Contact:* Edward J. Sheehan. *Status:* Tempoary T.D. with N. published December 11, 1979 (44 FR 71612, 44 FR 71613). Comment period on temporary regulations ended December 1, 1980. T.D. publication targeted for Spring 1981. *Priority:* A.
Alternate Curtailment and Extention of Bonded Premises for Use as General Premises, 27 CFR Part 19.	*Description:* Provides operational flexibility to DSP proprietors; permits the expeditious curtailment and extension of bonded premises to permit the use of processing premises and equipment for either bonded or taxpaid operations. *Need:* The omission of this provision has created the potential for hardships and financial inequities and operational difficulties for DSP proprietors. *Legal basis:* 26 U.S.C. 5201 and 7805. *Contact:* E. J. Ference. *Status:* T.D. with N. published October 23, 1980 (45 FR 70251). Comment period ended December 1, 1980. T.D. will be incorporated into the Regulations Implementing the Distilled Spirits Tax Revision Act of 1979. Publication targeted for Spring 1981. *Priority:* A.
Reporting Taxes Due to the Governments of Puerto Rico and the Virgin Islands, 27 CFR Part 19.	*Description:* ATF proposes to move the reporting requirements for most Puerto Rican and Virign Islands spirits bottled at domestic distilled spirits plants from the point such spirits enter the processing account to the point of tax determination. This project requires active coordination with the insular governments and with other Federal agencies involved with the transfer of tax revenues. Their input will have a signficant impact on any regulatory changes finally adopted. (Rev.) *Need:* This method for determining the taxes to be transferred to the treasuries of Puerto Rico and the Virgin Islands would more accurately match taxes transferred with actual revenues collected and would be consistent with the method followed prior to January 1, 1980. *Legal basis:* 27 U.SC. 5555 and 26 U.S.C. 5207. *Contact:* E. J. Ference. *Status:* Revision under internal development. *Priority:* A. *Regulatory flexibility analysis:* None anticipated.
New Completely Denatured Alcohol Formula No. 20, 27 CFR Parts 211 and 212.	*Description:* Establishes a new completely denatured alcohol formula suitable for blending in motor fuels. (New) *Need.* A new completely denatured alcohol formula may be more suitable for blending with gasoline in the production of gasohol. *Legal basis:* 26 U.S.C. 5241. *Contact:* Norman P. Blake. *Status:* Temporary T.D. with N. published March 27, 1980 (45 FR 20420); comment period ended May 27, 1980; T.D. published January 27, 1981 (46 FR 8469), effective March 30, 1981. *Priority:* A.
New SDA Formula No. 3-C, 27 CFR Part 212	*Description:* Establishes a new SDA formula as an alternative to SDA-3-A. (New) *Need:* This will give SDA producers and users an option to use an SDA formula denatured with isoproply alcohol instead of the more toxic methyl alcohol present in SDA-3-A. *Legal basis:* 26 U.S.C. 5241, 5242. *Contact:* E. J. Ference. *Status:* NPRM published January 30, 1981 (46 FR 9969). Comment period ended March 31, 1981. Comments are being evaluated. *Priority:* C. *Regulatory flexibility analysis:* None anticipated.
Procedures and Practices	
Electronic Fund Transfers of Alcohol Excise Tax Payments, 27 CFR Parts 19, 70, 170, 240, 245, 270, and 275 (26 CFR Parts 301 and 601).	*Description:* This regulation project would modify the present system of collecting alcohol and tobacco products excise taxes by return. The proposed system would require that certain taxpayers make their payments via electronic fund transfer directly to financial institutions. (Rev.) *Need:* This project would ensure maximum cash flow through the most efficient and cost-effective method of collecting excise taxes as close as possible to the time when taxes are due. *Legal basis:* 26 U.S.C. 5061(a), 5703(b), and 7805. *Contact:* Armida N. Stickney or James A Hunt. *Status:* T D. published January 13, 1981 (46 FR 2999), effective June 1, 1981. *Priority:* A. *Regulatory analysis:* A final regulatory analysis has been prepared.
ATF Procedural Rules, 27 CFR Parts 70 and 71 (26 CFR Parts 301 and 601).	*Description:* Incorporates all of the procedural requirements which relate to ATF and which now appear in Internal Revenue Service Regulations, 26 CFR Parts 301 and 601, into ATF procedural regulations. (Rev.) *Need:* Eliminates a source of confusion and places all of the procedural regulations into Title 27: Alcohol, Tobacco Products and Firearms. *Legal basis:* 26 U.S.C. 7805 *Contact:* Steve Simon. *Status:* T. D. without N. under internal development; publication targeted for Fall 1981. *Priority:* B.
Disclosure of Tax Return Information, 27 CFR Part 71	*Description:* Proposed regulations would implement Title XII of Pub. L. 94-455, relating to disclosure of tax return information. (New) *Need:* Due to changes made by Pub. L. 94-455, regulations may be needed to govern disclosure of tax return information. *Legal basis:* 26 U.S.C. 6103. *Contact:* Armida N. Stickney. *Status:* Currently under internal study and development. *Priority:* B.
Transfer of Wine to Customs Bonded Warehouses, 27 CFR Part 240 and 252.	*Description:* Implements Pub. L. 96-601 (which permits withdrawal of wine without payment of tax from bonded wine cellars for transfer to customs bonded warehouses, and subsequent tax-free withdrawal, by foreign embassies, of wine so transferred). (Rev.) *Need:* Implements the recently enacted public law. *Legal basis:* Pub. L. 96-601 *Contact:* Steve Simon. *Status:* Treasury decision under internal development; publication of temporary regulations targeted for April 1, 1981 *Priority:* A.

Part I.—*Regulations Under Development*—Continued

Title/citation	Summary
Incorporation by Reference Throughout Title 27, CFR	*Description:* Will implement publication procedures on "incorporations by reference", as required by 1 CFR Part 51. "Incorporation by reference" is material considered as published in the FEDERAL REGISTER by a citation of that material which has been published elsewhere and which has the legal status afforded by 5 U.S.C. 552(a). *Need:* This proposed T. D. would identify clearly materials incorporated by reference and other referenced materials. It would also make the regulations more responsive to the affected public by letting them know where to acquire materials they will need to comply with regulations. *Legal basis:* 5 U.S.C. 552(a). *Contact:* Armida N. Stickney. *Status:* T. D. w/o N. under internal development; publication targeted for Spring 1981. *Priority:* B.

Part II.—*Regulations Under Review*

Title citation	Summary
Alcohol	
Wine; Standard of Identify for Cider, 27 CFR Part 4	*Description:* Liberalizes standard of identity for cider by permitting cider to be made from a mixture of apples and pears. (Rev.) *Need:* Responds to a petition from an industry member. *Legal basis:* 27 U.S.C. 205. *Contact:* Tom Minton. *Status:* ANPRM published January 15, 1980 (45 FR 2855); comment period ended March 17, 1980; withdrawn because of significant negative reaction. Withdrawal notice was published on November 3, 1980 (45 FR 72702). *Priority:* B.
Health Hazards Related to Alcoholic Consumption, 27 CFR Parts 4, 5, and 7	*Description:* To consider the need for health warning labels or alternate programs. *Need:* Congress mandated a study be conducted on health hazards related to alcoholic consumption. *Contact:* Michael Dressler at 202-566-7591. *Status:* A notice with invitation to comment was published February 26, 1980 (45 FR 12577). Under Pub. L. 96-180, a final report on proposed Government actions was jointly prepared by the Treasury Department and the Department of Health and Human Services. The report was sent to the President and the Congress November 25, 1980. In lieu of a health warning statement which was not felt to be appropriate at this time, the final report suggested, among other things, that a public awareness campaign be initiated to warn the public concerning the health hazards related to alcoholic comsumption. An alcoholic-health coordinator position has been established within ATF to oversee implementation of those report recommendations that come within Treasury's area of responsibility.
Advertising of Wine, Distilled Spirtis, and Malt Beverages, 27 CFR Parts 4, 5, and 7.	*Description:* The advertising regulations under section 5(f) of the FAA Act have been reviewed for updating and possible revision. (Rev.) *Need:* To modernize the regulations related to the advertising of alcoholic beverages to accommodate social and technoligical advances. *Legal basis:* 27 U.S.C. 205. *Contact:* Roger Bowling. *Status:* NPRM published December 19, 1980 (45 FR 83530). Comment period ended March 19, 1981. Comments are being evaluated. *Priority:* A.
Production of Volatile Fruit-Flavor Concentrates, 27 CFR Part 18	*Description:* This regulatory project would extensively revise the regulations pertaining to volatile fruit-flavor concentrates. Regulatory requirements would be simplified, modernized and eliminated unless mandated by law. (Rev.) *Need:* These regulations are being modernized as part of our on-going "Regulatory Reform Program." *Legal basis:* 26 U.S.C. 5511, 26 U.S.C. 5512, 26 U.S.C. 7805. *Contact:* John Ference or Jim Whitley. *Status:* NPRM is targeted for publication Summer 1981. *Priority:* A.
Distilled Spirits Liquor Bottles, 27 CFR Parts 19, 173, 194, 250, and 251	*Description:* Eliminates registration of liquor bottle manufacturers with ATF. Liquor bottle indicia requirement would be amended to read "Liquor Bottle" and transferred to Parts 19, 250, and 251. Simplifies procedures for approval by ATF of distinctive liquor bottles. (Res. & Rev.) *Need:* These regulations are being modernized as part of our on-going "Regulatory Reform Program." *Legal basis:* 26 U.S.C. 5301 and 7805. *Contact:* Robert L. White. *Status:* NPRM currently under internal development; publication targeted for Spring 1981. *Priority:* B.
Transfer of Processing and Payment of Claims for Custom Duties Submitted under 26 U.S.C. 5064, 27 CFR Part 170 Subpart O.	*Description:* Deletes references to the filing of claims for custom duties under 26 U.S.C. 5064 with the Commissioner of Customs; updates, clarifies, and modernizes various sections in the subpart; includes reissuance and renumbering of the subpart. (Rev.). *Need:* The handling of claims more expeditiously would be facilitated and paperwork reduced. Existing regulations, which are at times redundant and confusing, will be clarified.. *Legal basis:* 26 U.S.C. 5064 and 26 U.S.C. 7805. *Contact:* J. R. Whitley. *Status:* T. D. w/o N. targeted for Spring 1981. *Priority:* C.
Wholesale Liquor Dealers; Elimination of Public Use Forms, 27 CFR Part 194, 250 and 251.	*Description:* Eliminates three public use forms currently required to be prepared by wholesale liquor dealers and importers. (Rev.) *Need:* As part of our on-going "Regulatory Reform Program," these public use forms are being eliminated because they are no longer necessary to protect the revenue. *Legal basis:* 27 U.S.C. 5114. *Contact:* Norman P. Blake or William Bass (202-566-7602). *Status:* NPRM currently under internal development; target date for publication is Summer 1981. *Priority:* A.
Vinegar Regulations: Recodification, 27 CFR Part 195	*Description:* Regulations relating to the production of vinegar by the vaporizing process are being modernized and will eliminate unnecessary regulatory requirements not mandated by law. (Rev.) *Need:* These regulations are being modernized as part of our on-going "Regulatory Reform Program." *Legal basis:* 26 U.S.C. 7805. *Contact:* Joan M. Deerwester. *Status:* Revision under internal development; NPRM targeted for Summer 1981. *Priority:* C.

Part II.—*Regulations Under Review*—Continued

Title citation	Summary
Nonbeverage Drawback, 27 CFR Part 197	*Description:* Update, clarify, simplify, and recodify the regulation relating to obtaining drawback of tax on distilled spirits used in the manufacture of nonbeverage products. (Rev.) Need: Accomodate new industry practices and market developments; simplify or eliminate requirements wherever possible; incorporate ATF Rulings into the regulations. *Legal Basis:* 26 U.S.C. 5131-5134. *Contact:* Steve Simon. *Status:* NPRM under internal development; publication of NPRM targeted for Summer 1981. *Priority:* C.
Recodification of 27 CFR Part 211	*Description:* A study of regulations of users and dealers of specially denatured spirits with a view toward liberalizing qualification, bonding, operational, recordkeeping and reporting requirements. (Rev.) *Need:* These regulations are being modernized as part of our on-going "Regulatory Reform Program." *Legal basis:* 26 U.S.C. 5272. *Contact:* John Linthicum or Bill Bass at 202-566-7602. *Status:* NPRM publication targeted for Autumn 1981. Priority: A.
Formulas for Denatured Alcohol and Rum, 27 CFR Part 212	*Description:* This regulatory project will update, clarify, simplify, and recodify the regulations relating to formulas of denatured alcohol and rum. (Rev.) *Need:* Revision of 27 CFR Part 212 is necessary to accommodate industry practices and changes in chemical terminology. *Legal basis:* 26 U.S.C. 5241. *Contact:* Steve Simon. *Status:* NPRM published on January 29, 1981 (46 FR 9644). Comment period closed on March 30, 1981. Comments are being evaluated. *Priority:* C.
Distribution and Use of Tax Free Alcohol, 27 CFR Part 213	*Description:* A study of regulations pertaining to tax free users of alcohol with a view towards liberalizing qualification procedures, bonding requirements, operational and recordkeeping and reporting requirements. (Rev.) *Need:* These regulations are being modernized as part of our on-going "Regulatory Reform Program." *Legal basis:* 27 U.S.C. 7805. *Contact:* Norman P. Blake or William Bass (202-566-7602). *Status:* NPRM under internal development; publication targeted for Summer 1981. *Priority:* A.
Wine; Recodification, 27 CFR Parts 240, 231, and 170, Subpart Z	*Description:* Updates, simplifies, and clarifies regulations relating to wine. Incorprates all regulations and outstanding ATF rulings relating to the production of wine into one CFR Part. (Rev.) *Need:* As part of our "Regulatory Reform Program," ATF is modernizing the wine regulations ith a view toward improving their efficiency and effectiveness. *Legal basis:* 26 U.S.C. 7805. *Contact:* Tom Minton. *Status:* ANPRM published May 22, 1979 (44 FR 29691), NPRM under development. *Priority:* B.
Beer: Recodification, 27 CFR Part 245	*Description:* A reissuance of regulations relating to the production and taxpayment of beer. Requirements would be simplified, and technological advances will be incorporated into the regulations. (Rev.) *Need:* These regulations are being modernized as part of our on-going "Regulatory Reform Program." *Legal basis:* 26 U.S.C. 5051-5056, 26 U.S.C. 5401-5417. *Contact:* Charles N. Bacon or Joan Deerwester. *Status:* Revision under internal development; NPRM publication targeted for Fall 1981. *Priority:* B.
Export of Bulk Beer, 27 CFR Parts 245 and 252	*Description:* Allows the export of beer in bulk containers without payment of tax. (Res.) *Need:* Would eliminate an unnecessary burden on the brewing industry. Incorporates provisions of ATF Ruling 78-13 into regulations. *Legal basis:* 26 U.S.C. 5053. *Contact:* Charles N. Bacon. *Status:* NPRM under review within AFT. *Priority:* C.
Use of Alternatives to Strip Stamps by Non-domestic Bottlers and Importers, 27 CFR Parts 250 and 251.	*Description:* Would allow for the use of alternative devices by foreign, Puerto Rican, and Virgin Islands bottlers of distilled spirits and by importers. (Rev.) *Need:* To extend to non-domestic bottlers and importers the same opportunity to use alternative devices as domestic bottlers currently enjoy. *Legal basis:* 26 U.S.C. 5202, 5235, and 7805. *Contact:* Robert White or Edward J. Sheehan. *Status:* T.D. under internal development. T.D. will be incorporated into the Regulations Implementing the Distilled Spirits Tax Revision Act of 1979. Publication targeted for Spring 1981. *Priority:* C.
U.S. Customs Certification on Distilled Spirits from Puerto Rico, 27 CFR Part 250.	*Description:* This regulation changes the Customs certification on distilled spirits entering the United States from Puerto Rico. (Rev.) *Need:* The U.S. Customs Service does not consider Puerto Rican distilled spirits as an import; therefore, it may be necessary to revise the certification procedures for spirits which are brought into the United States from Puerto Rico. *Legal basis:* 26 U.S.C. 7805. *Contact:* James A. Hunt or Robert White. *Status:* NPRM under internal development; publication targeted for Winter 1981/82. *Priority:* B.
Markings on Cases of Liquors for Export, 27 CFR Part 252	*Description:* Deletes the regulatory requirement to mark packages or cases of wine, beer, or distilled spirits for export with the words "Without Payment of Tax" or "Drawback Claimed". (Rev.) *Need:* The requirement to mark cases of distilled spirits, wine, or beer for export is burdensome to proprietors of DSP/s, vintners, and brewers; and this requirement does not serve to protest the revenue. *Legal basis:* 26 U.S.C. 5206, 5368, 5412. *Contact:* Charles N. Bacon. *Status:* NPRM published August 29, 1980 (45 FR 57745). Currently, a final rule is being drafted with publication expected Spring 1981. *Priority:* A.

Part II.—*Regulations Under Review*—Continued

Title citation	Summary
Explosives	
Amendments to Explosives Regulations, 27 CFR Part 181	*Description:* Proposed amendments include: (1) a lengthened renewal period for licenses and permits, (2) an amended inventory of explosives, (3) revision of recordkeeping and storage requirements, and (4) addition of new terms and revision of existing language. (Rev.) *Need:* As part of our on-going "Regulatory Reform Program," ATF is modernizing the explosives regulations to incorporate the many technological advances which have taken place since the regulations were last revised. *Legal basis:* 18 U.S.C. 847. *Contact:* James A. Hunt. *Status:* NPRM published November 18, 1980 (45 FR 76191). Comment period ended February 18, 1981. Comments are being evaluated. *Priority:* A.
Firearms	
Definition of "Engaged in the Business", 27 CFR Part 178	*Description:* This regulation project attempts to define the term "engaged in the business". The law and regulations do not define this term. (Rev.) *Need:* As part of our on-going "Regulatory Reform Program," ATF is attempting to define "engaged in the business" in order to eliminate possible confusion concerning whether a firearms license is needed to dispose of a firearm. *Legal basis:* 18 U.S.C. 926. *Contact:* Robert White. *Status:* ANPRM published December 19, 1979 (44 FR 75186); comment period ended April 17, 1980; comments are being evaluated to determine a future course of action. *Priority:* A.
Sales of firearms at Gun Shows, 27 CFR Part 178	*Description:* This regulation project would allow licensees to sell firearms at organized gun shows held in the same State as the licensee's premises. (Rev.) *Need:* Present regulations require licensees to conduct business only at the address shown on the license. ATF wishes to determine if licensees should be permitted to conduct business at gun shows. *Legal basis:* 18 U.S.C. 926. *Contact:* James A. Hunt. *Status:* ANPRM published April 22, 1980 (45 FR 26982); comment period ended June 23, 1980; comments are being evaluated to determine a future course of action. *Priority:* A.
Suspension Procedures for Firearms Licenses and Explosives Licenses or Permits, 27 CFR Parts 178 and 181.	*Description:* This regulation would allow ATF to suspend the license or permit of Federal firearms licensees or of explosives licensees or permittees. (Rev.) *Need:* When adverse administrative actions are taken against the holder of a Federal firearms license or explosives license or permit, current regulations provide only for the revocation of, or for the denial of an application for, the license or permit. ATF wishes to determine if suspension of the license or permit for a period of time should be used as an alternative adverse administrative action. *Legal basis:* 18 U.S.C. 847 and 926. *Contact:* Norman Blake. *Status:* ANPRM published May 20, 1980 (45 FR 33651); comment period ended July 21, 1980; comments are being evaluated to determine a future course of action. *Priority:* A.
Tobacco Products	
Shipment of Tobacco Articles from Puerto Rico to the United States, 27 CFR Part 275.	*Description:* Eliminates U.S. Customs Service involvement on shipment of Puerto Rican tobacco products to the United States. Eliminates direct ATF supervision of tobacco product shipments from Puerto Rico. (Res.) *Need:* Would eliminate administrative burden for government and industry. *Legal basis:* 26 U.S.C. 7651. *Contact:* John Linthicum. *Status:* Under internal development; NPRM targeted for Winter 1981/82. *Priority:* B.
Manufacturer's Identification on Tobacco Products Packages, 27 CFR Parts 270, 290, and 295.	*Description:* Liberalizes requirements relating to manufacturer identification on tobacco products packages. Permits additional means of identification and deletes requirement to specifically identify the factory where packaged. (Rev.) *Need:* Experience with special authorizations for alternative procedures has convinced ATF that the proposed liberalization would not jeopardize the revenue. *Legal basis:* 26 U.S.C. 5723. *Contact:* Steve Simon. *Status:* NPRM currently under internal development. *Priority:* C.
Markings on Packages of Large Cigars, 27 CFR Parts 270, 275, 290, and 295.	*Description:* Removes the requirement to mark the wholesale price on packages of large cigars. This requirement was added by T. D. ATF-40 but has never been invoked. (Res.) *Need:* As part of our on-going "Regulatory Reform Program," ATF has decided to eliminate the requirement for proprietors to put wholesale price markings on packages of large cigars. *Legal basis:* Pub. L. 94-455 and 26 U.S.C. 7805. *Contact:* Steve Simon. *Status:* Publication of T. D. w/o N. targeted for Spring 1981. *Priority:* C.

Table of Abbreviations

Abbreviation	Meaning
ANPRM	Advance notice of proposed rulemaking.
ATF	Bureau of Alcohol, Tobacco and Firearms.
CFR	Code of Federal Regulations.
DSP	Distilled spirits plant.
FR	Federal Register.
FAA Act	Federal Alcohol Administration Act.
FDA	Food and Drug Administration.
New	New regulation is proposed.
NPRM	Notice of proposed rulemaking.
P.L.	Public Law
Res	Rescission of an existing regulation.
Rev	Revision or amendment of an existing regulation.
T.D.	Treasury decision.
T.D. with N	[Temporary] Treasury decision with notice.
T.D. w/o N	Treasury decision without notice.
Treasury	Department of the Treasury.

[FR Doc. 81-11075 Filed 4-14-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Subtitle A and Chapter I

Semiannual Agenda

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of Public Law 96-354, September 19, 1980, the "Regulatory Flexibility Act," and Executive Order 12291, February 17, 1981, "Federal Regulation," which require the publication of a semiannual agenda of regulations under development or review. The Office of the Secretary has six regulations projects currently under development, three by the Office of Revenue Sharing, two by the Office of the Director of Practice, and one by the Office of Disclosure.

FOR FURTHER INFORMATION CONTACT: For additional information about a regulation contained in the agenda, contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION:

Office of Revenue Sharing

The Office of Revenue Sharing has three regulations in various states of completion. The first set of regulations is primarily technical in nature and intended to bring existing rules into conformity with 1980 amendments (Pub. L. 96-604) to the State and Local Fiscal Assistance Act of 1972. The 1980 amendments provide for the elimination of the States from the General Revenue Sharing Program, beginning in Fiscal Year 1981. It is not expected that these amendments will be deemed "major" under E.O. 12291 or that they will have a significant economic impact on small entities under the Regulatory Flexibility Act.

Second, proposed regulations were published on December 31, 1979, calling for a review of existing regulations in 31 CFR Part 51 for purposes of conforming them to current law and procedure. As these regulations are technical and clarifying in nature, no regulatory analysis is anticipated.

Third, final rules were published on January 5, 1981, implementing section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112). The 1973 amendment prohibits discrimination on the basis of handicap as it relates the State and Local Fiscal Assistance Act of 1972. The effective date of the regulations, originally January 5, 1981, has been postponed several times; the regulations are currently scheduled to take effect on May 30, 1981. On April 3, 1981, a notice was issued requesting comments on whether to defer the regulations indefinitely or allow them to have interim effect during the period of reconsideration. During this review period, a regulatory analysis pursuant to the provisions of E.O. 12291 will be prepared. Since the notice of proposed rulemaking was published prior to the effective date of the Regulatory Flexibility Act, the regulations are not subject to the provisions of the Act. Nonetheless, the impact of the regulations on small entities will also be carefully reviewed.

These amendments to the Revenue Sharing regulations, to appear at 31 CFR Part 51, are to be issued under the authority of 31 U.S.C. 1221 et. seq.

For further information on the Office of Revenue Sharing regulations, contact Richard Isen, Acting Chief Counsel, Office of Revenue Sharing, (202) 634-5182.

Office of the Director of Practice

On September 4, 1980, the General Counsel published for public comment proposed standards relating to opinions by IRS practitioners used in the promotion of tax shelters. A public hearing on the proposed regulations was held on November 25, 1980. Taking into account oral and written comments from the public, final rules have been drafted, but no decision has been reached concerning their issuance. These regulations are not deemed to be major under E.O. 12291 and therefore no economic impact analysis will be prepared. A Regulatory Flexibility Act analysis is not required as the proposed rules were issued prior to the effective date of the Act.

Additionally, the Office of the Director of Practice is in the process of revising its current regulations, which are limited to practice before the IRS and ATF, to include practice before the entire Treasury Department.

These regulations projects, to appear in 31 CFR Parts 8 and 10, are to be issued under the authority of 31 U.S.C. 1026.

For further information on the Office of the Director of Practice regulations, contact Leslie S. Shapiro, Director of Practice, (202) 376-0767.

Office of Disclosure

Revision of existing Department of Treasury disclosure regulations implementing the provisions of the Freedom of Information and Privacy Acts has been undertaken. A review of existing Departmental procedures has disclosed that a number of different interpretations have been used in formulating guidelines and directives in each of the respective bureaus.

The proposed amendments are intended to facilitate and simplify public requests for information, and to assure accurate and consistent application of policies and procedures throughout the Department. These amendments will revise 31 CFR Part 1.1 and are to be issued under the authority of 5 U.S.C. 552, and 552a.

For further information with respect to the disclosure regulations project, contact Phyllis A. DePiazza, Departmental Disclosure Officer, (202) 566-5573.

Dated: April 8, 1981.

By direction of the Secretary of the Treasury.

Steven L. Skancke,

Acting Executive Secretary.

[FR Doc. 81-11076 Filed 4-14-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF THE TREASURY

Bureau of Government Financial Operations

31 CFR Ch. II

Semiannual Agenda

AGENCY: Bureau of Government Financial Operations, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: Pursuant to Pub. L. 96–354, the Regulatory Flexibility Act, and to Executive Order 12291, entitled "Federal Regulation," the Bureau of Government Financial Operations (BGFO) is publishing a semiannual agenda of regulations under review or development.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda, contact Freida J. Rittenhouse (202) 566–6718. For further information about any particular item listed on this agenda, contact the individual named as being knowledgeable with respect to that regulation.

SUPPLEMENTARY INFORMATION:

Background

This agenda is published to give public notice of BGFO regulatory activities. None of the regulations projects listed are considered to be major regulations within the meaning of E.O. 12291, and none will have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act. Accordingly, regulatory analyses will not be prepared for these projects.

Dated: April 1, 1981.

By direction of the Secretary of the Treasury.

Paul H. Taylor,

Fiscal Assistant Secretary.

Semiannual Agenda—Department of the Treasury Bureau of Government Financial Operations

Description of regulatory action	Status on Apr. 1, 1981	Legal authority	CFR	Knowledgeable official.
Payment to financial organizations for credit to accounts of employees and beneficiaries. Increase amount of service charges assessed financial organizations.	Work plan approved on Dec. 10, 1980.	31 U.S.C. 492(b)	31 CFR, Part 209	Charles E. White, Assistant Director, Government Accounting Systems Staff, (202) 566-8543.
Set-offs on reclamations due from financial organizations.	Work plan approved on Mar. 23, 1981.	31 U.S.C.952	31 CFR, Part 240	John O. Turner, Assistant Commissioner, Disbursing and Claims (202) 566-2392.
Interest charges on overdue reclamations from financial organizations.	Notice of proposed rulemaking published on Sept. 11, 1980. Draft final regulation submitted to OMB on 3/10/1981.	5 U.S.C. 301, 31 U.S.C. 528, 31 U.S.C. 561 et seq.; 31 U.S.C. 952.	31 CFR, Part 240	John O. Turner, Assistant Commissioner, Disbursing and Claims, (202) 566-2392.
Designation of foreign bank branches to become depositaries or fiscal agents of the U.S. Government.	Preliminary draft prepared Dec. 18, 1980.	12 U.S.C. 265, 266, 1464(k), 1725(d), 1709(a), 3101 and 3102.	31 CFR, Parts 202 and 203.	John Kilcoyne, Assistant Fiscal Assistant, Secretary (Banking), Office of Fiscal Assistant Secretary, (202) 566-2553.

[FR Doc. 81-11077 Filed 4-14-81; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

31 CFR Ch. II

Semiannual Agenda

AGENCY: Bureau of the Public Debt, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: Pursuant to Pub. L. 96-354, the Regulatory Flexibility Act, and to Executive Order 12291, entitled "Federal Regulation," the Bureau of the Public Debt is publishing a semiannual agenda of regulations under review or development.

FOR FURTHER INFORMATION CONTACT: Gerald W. Rock, Assistant Chief Counsel, (202) 376-0243. (Not a toll free number.)

SUPPLEMENTARY INFORMATION:

Background

This agenda is published to give public notice of the Bureau of the Public Debt's regulatory activities. The regulations project listed below is not considered to be a major regulation within the meaning of E.O. 12291, and will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act. Accordingly, a regulatory analysis will not be prepared for this project.

Semiannual Agenda

Description: U.S. Treasury certificates of indebtedness, Notes and Bonds—State and Local Government Series, 31 C.F.R., Part 344.

Summary: The proposed amendments require advance notice of the intention to subscribe for and redeem these securities, and prohibit the reinvestment of securities redeemed before maturity.

Legal Authority: 31 U.S.C. 752, 753, 754.

Status: Notice of proposed rulemaking published on August 29, 1980. Final regulation under development.

Dated: April 1, 1981.

By direction of the Secretary of the Treasury.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-11078 Filed 4-14-81; 8:45 am]

BILLING CODE 4810-40-M

federal register

Wednesday
April 15, 1981

Part III

Environmental Protection Agency

Hazardous Substances: Notification of Treatment, Storage and Disposal Facilities

ENVIRONMENTAL PROTECTION AGENCY

[WH FRL 1806-3]

Hazardous Substances: Notification of Treatment, Storage and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of Form 8900-1, interim interpretative notice, and policy statement.

SUMMARY: Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 requires certain persons to notify the Environmental Protection Agency by June 9, 1981, of the existence of hazardous waste facilities that do not have interim status or permits issued under Section 3005 of the Resource Conservation and Recovery Act. This notice identifies the persons and facilities which EPA is requiring to notify under this provision. In addition, a form which may be used to notify is being published today.

FOR GENERAL INFORMATION ON THE NOTIFICATION REQUIREMENT CONTACT: Harold J. Snyder, Jr., Chief, Discovery and Investigation Branch (WH-548), U.S. Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460, (202) 245-3051.

FOR COPIES OF THE FORM CONTACT: 800-424-2723 or 202-333-2836 (Metro D.C. Area).

FOR INFORMATION ABOUT REPORTING FACILITIES AND SITES AND COMPLETING THE NOTIFICATION FORM CONTACT: The EPA Region serving the State in which the site is located.

Where To File

U.S. EPA Region 1, Sites Notification, Boston, MA 02203; 617-223-0090 Massachusetts, Maine, Rhode Island, 617-223-0214 Connecticut, New Hampshire, Vermont

U.S. EPA Region 2, Sites Notification, New York, NY 10007; 212-264-1573 New Jersey, New York, Virgin Islands, Puerto Rico

U.S. EPA Region 3, Sites Notification, Philadelphia, PA 19106; 215-597-8751 Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

U.S. EPA Region 4, Sites Notification, Atlanta, GA 30308; 404-881-2234 Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

U.S. EPA Region 5, Sites Notification, Chicago, IL 60604; 312-886-3500 Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

U.S. EPA Region 6, Sites Notification, Dallas, TX 75270; 214-767-4075 Arkansas, Louisiana, New Mexico Oklahoma, Texas

U.S. EPA Region 7, Sites Notification, Kansas City, MO 64106; 816-374-6864 Iowa, Kansas, Missouri, Nebraska

U.S. EPA Region 8, Sites Notification, Denver, CO 80295; 800-332-3321-Colorado,800-525-3022 Montana, NOrth Dakota, South Dakota, Utah, Wyoming

U.S. EPA Region 9, Sites Notification, San Francisco, CA 94105; 415-556-1407 Arizona, California, Hawaii, Nevada, Guam, American Samoa, Commonwealth of the Northern Marianas

U.S. EPA Region 10, Sites Notification, Seattle, WA 98101; 800-732-9319 Washington, 800-426-9947 Alaska, Idaho, Oregon

SUPPLEMENTARY INFORMATION:

I. Introduction

A. The Statutory Framework

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510 ("Superfund" or "the Act") was enacted on December 11, 1980, establishing broad federal authority to respond to releases or threats of releases of hazardous substances from vessels and facilities. The Act defines what substances are "hazardous substances." (Section 101(14)). Under the Act, the government may take remedial or removal action whenever there is a release, or a substantial threat of a release, of a hazardous substance or there is a release of other pollutants or contaminants which may present a substantial danger to public health or welfare. (Section 104). The National Contingency Plan is to be revised to reflect the new statutory authorities and, after its revision, response activities are to be taken in accordance with the National Contingency Plan. (Section 105).

The Act provides that owners and operators of vessels or facilities from which a release has occurred as well as other persons who contributed to the problem shall be liable for response costs incurred and for damages to natural resources. (Section 107). There are limitations to liability set forth in the Act as well as limited defenses to such liability. (Section 107). The government is authorized to take legal action whenever there is an imminent and substantial endangerment to public health or welfare or the environment from the actual or threatened release of a hazardous substance in order to abate such danger or threat. (Section 106).

In enacting this legislation, Congress was especially concerned with the potential environmental and health problems associated with facilities that treated, stored or disposed of hazardous substances. Congress, however, recognized that there was incomplete information on the existence of such sites and the substances they contain. To correct this, Congress provided in Section 103(c) of the Act that:

> Within one hundred and eighty days after the enactment of this Act, any person who owns or operates or who at the time of disposal owned or operated, or who accepted hazardous substances for transport and selected a facility at which hazardous substances (as defined in section 101(4)(C) of this title) are or have been stored, treated, or disposed of shall, unless such facility has a permit issued under, or has been accorded interim status under, subtitle C of the Solid Waste Disposal Act, notify the Administrator of the Environmental Protection Agency of the existence of such facility, specifying the amount and type of any hazardous substance to be found there, and any known, suspected, or likely releases of such substances from such facility.* * *

Although "hazardous substance" as defined in the Act includes substances listed under a number of environmental statutes, Section 103(c) is keyed to facilities "at which hazardous substances (as defined in Section 101(14)(c) of this title)" are or have been treated, stored, or disposed of. Section 101(14)(c) refers to hazardous waste as defined under the Solid Waste Disposal Act (commonly known as the Resource Conservation and Recovery Act or "RCRA"). The purpose of the notification, therefore, is to assist EPA in developing an inventory of hazardous waste sites and to help facilitate the development of priorities for attention and possible response action concerning those sites under the Act. The notifications received will complement the Agency's ongoing site discovery and investigation program.

In addition, the states and the public have substantial interest in the location of these facilities.

EPA is today publishing a form which persons may use to notify the Agency under Section 103(c). In developing this form, the Agency held a series of meetings with interested parties in order to develop a form which could be easily completed and which would provide the basic information necessary to serve the statutory goals.

The deadline for filing this form is June 9, 1981. The Agency recognizes that this provides a short time period for completing this form and that persons may have to expend considerable effort to identify the existence of facilities

which contain, or may contain, hazardous wastes. At a minimum, persons must identify the existence and location of these facilities.

The Agency recognizes that the statutory deadline may not permit many persons, particularly those who are responding for a number of facilities, to undertake extensive searches of archives or to interview former employees to determine the type of activities that took place at a facility years ago, or to sample and analyze the wastes located in facilities. The response may therefore based on the respondent's knowledge, belief, recollection and an examination of reasonably available records. Although the Agency cannot establish an exclusion based on how long ago facilities handled hazardous wastes, keying the notification to a person's present knowledge, belief, recollection and reasonably available records will enable persons to meet the statutory deadline.

In section II this notice sets forth EPA's interim interpretation of Section 103(c)'s notification requirement. Included is a discussion of facilities for which the Act requires notification; facilities for which notifcation is not required; and persons who are required to notify. Section III discusses certain categories of facilities for which persons who have already submitted information to the government may use their previous submission, if accurate, as the Section 103(c) notification. For one category of facilities EPA is requiring the submission to EPA of the previous response, updated and supplemented as necessary. Section III also describes other categories of facilities for which the Agency has decided notification is not presently necessary. These administrative exclusions reflect the Agency's desire to direct its administrative and enforcement resources to those hazardous waste facilities for which the Agency does not have information and which may warrant the attention of the federal government.

II. Notification Requirements of Section 103(c)

A. Hazardous Waste Facilities for Which Notification Is Required

The Act requires notification of facilities "at which hazardous substances (as defined in Section 101(14)(C) of this title) are or have been stored, treated, or disposed of * * *", unless that facility has RCRA interim status or a RCRA permit. "Facility" is defined broadly in the Act to mean:

(A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

Section 101(14)(C) of the Act refers only to those hazardous substances that are hazardous wastes identified under or listed pursuant to Section 3001 of RCRA. EPA has listed a number of specific wastes as hazardous. 40 CFR Part 261, Subpart D. In addition, the Agency has identified four characteristics of hazardous waste—corrosivity, reactivity, ignitability, and toxicity. If a solid waste exhibits any of these characteristics, it it subject to the RCRA hazardous waste regulations even if it is not explicity listed. See 40 CFR Part 261, Subpart C. The presence of these hazardous wastes at a facility means, that, unless exempted, a notification is required for that facility.

In regulations identifying and listing hazardous wastes subject to the RCRA Subtitle C regulations, EPA excluded, for regulatory purposes, certain solid wastes from the definition of hazardous wastes, even though these wastes might otherwise be considered hazardous wastes. See 40 CFR 261.4(b). These wastes are: (a) Household wastes; (b) certain hazardous wastes that are returned to the soil as fertilizer; (c) certain solid wastes (fly ash, slag and flue gas emission control wastes) associated with the combustion of coal or other fossil fuels; (d) drilling fluids, produced waters and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal energy; (e) solid wastes from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore; and (f) cement kiln dusts. See 40 CFR 261.3(b), as amended 45 FR 76618 (Nov. 19, 1981). Wastes which are excluded from RCRA regulation are not subject to the notification requirement of Section 103(c) and sites which contain only these wastes are not required to notify.

In addition to wastes excluded from RCRA regulation, the Act specifically excludes two categories of materials from the definition of hazardous substances: (a) "Petroleum, including crude oil or any fraction thereof which is not specifically listed or designated as a hazardous substance" and (b) "natural gas, natural gas liquids, liquified natural gas and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas)." (Section 101(14)). Several process wastestreams related to petroleum refining are specifically listed under RCRA as hazardous waste. See 40 CFR 261.32. Facilities containing these wastes are subject to the notification requirement of Section 103(c).

Other petroleum wastes, including waste oil, are not specifically listed in the RCRA regulations, but they may exhibit the characteristics of hazardous waste and therefore be subject to full RCRA regulation. However, because these wastes are excluded from the definition of "hazardous substance" by the specific language of Superfund, regardless of their RCRA status, they are not hazardous substances for purposes of the notification requirement of Section 103(c). Facilities containing only these exempted wastes are not required to notify. Facilities containing these substances together with other hazardous wastes are obligated to report with respect to those other wastes.

One other hazardous substance that is presently not included within the RCRA definitions of hazardous waste is polychlorinated biphenyls ("PCBs"). The treatment, storage, and disposal of this hazardous substance is presently regulated under Section 6(e) of the Toxic Substances Control Act. See 40 CFR Part 761. The Agency is now considering the development of appropriate regulations to require a supplementary notification of facilities that have treated, stored or disposed of PCBs. Such regulations may be necessary to enable the Agency to develop a comprehensive inventory of facilities that may pose significant hazard to human health or the environment. Although not presently required, the Agency encourages persons to voluntarily submit notification of facilities at which PCBs are or have been treated, stored or disposed. Notification is, of course, required for those facilities containing hazardous wastes in addition to PCBs.

B. Facilities Excluded by the Act From Notification

1. Hazardous Waste Facilities With Interim Status or Permits Under RCRA § 3005. Section 103(c) specifically excludes from the requirement to notify those facilities that have "a permit issued under, or has been accorded interim status under, Subtitle C" of RCRA. Under the RCRA regulations, existing hazardous waste management facilities may have qualified for interim status by notifying EPA, under Section

3010 of RCRA, of their hazardous waste activities and by submitting a RCRA Part A permit application. See RCRA Section 3005(e), 40 CFR 122.23. These submissions provided EPA with extensive information on the nature of the wastes being handled, their quantities, and the treatment, storage or disposal activities taking place there.

This exclusion extends only to the active, operating portions of hazardous waste sites for which RCRA Part A applications were submitted. The same property, however, may contain inactive facilities for which no Part A permit application was submitted and for which Section 103(c) notification is required. In the Part A permit applications, owners and operators were required to note the location of past treatment, storage and disposal activities on scale drawings of the facilities. (40 CFR 122.24(d)). The applicants were not required to inform the Agency of types and quantities of hazardous waste contained in these inactive facilities. Notification under Section 103(c) is therefore required for these facilities.

2. Pesticide Products. Section 103(e) exempts from the notification requirement of Section 103(c) the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA") and the handling and storage of such pesticide products by an agricultural producer.

This statutory exemption is keyed to the use, handling and storage of pesticide *products,* not the treatment, storage or disposal of pesticide *wastes.* Congress recognized that improper handling and disposal of waste pesticides presents dangers to human health and the environment and did not intend to exempt such activities from the provisions of the Act. See S. Rep. 96-848, 96 Cong. 2d Sess. 45 (1980) and 126 Cong. Rec. S15006 (daily ed., Nov. 24, 1980) (Remarks of Senators Cannon and Randolph). Facilities at which waste pesticides have been disposed are subject to the notification requirement of Section 103(c). (See, however, Section III.B.5. below excluding farmers who dispose of waste pesticides on their farms).

3. Short-Term Stoppages in the Transportation of Hazardous Waste. Section 103(c) states that facilities which hold hazardous waste "solely as a result of any stoppage in transit which is temporary, incidental to the transportation movement, or at the ordinary operating convenience of a common or contract carrier" shall not be considered storage facilities subject to notification.

This provision therefore exempts from notification those facilities at which hazardous wastes were held for a period of time only in the course of transportation. This includes such things as depots, transfer stations, terminals and railroad sidings. If these facilities, however, have also engaged in hazardous waste treatment or disposal activities, they are subject to notification requirements of Section 103(c).

C. Persons Who Are Required to Notify.

Three categories of persons are required to notify EPA of hazardous waste facilities: (1) Persons who presently own or operate facilities at which hazardous wastes are or have been treated, stored or disposed of; (2) persons who at the time of disposal owned or operated such facilities; and (3) persons who accepted hazardous wastes for transport and who selected the treatment, storage or disposal facility. The term "person" is broadly defined in the Act to include not only individuals but public, private and governmental entities as well. (Section 101(21)).

1. Present Owners and Operators. Persons who presently own or operate facilities at which hazardous wastes are or have been treated, stored, or disposed of are required to notify under 103(c).

Hazardous waste management facilities which qualified for interim status unde the RCRA program are not subject to the notification requirement for those portions of the facility that qualified for interim status under RCRA Section 3005(e). (See discussion above at II.B.I). This notification requirement extends to owners and operators of property on which treatment storage and disposal activities occurred in the past.

2. Past Owners and Operators. Section 103(c) also requires persons, who at the time of disposal, owned or operated treatment, storage, or disposal facilities. EPA reads this language as including in the scope of notification provision past treatment and storage facilities, even though disposal occurred elsewhere.

This provision does not require all past owners and operators to notify, but rather only those persons who owned or operated facilities when disposal of hazardous waste occurred. In addition, as discussed in Section III.C.3 below, EPA is excluding from the requirement to notify inactive treatment or storage facilities at which there is presently no hazardous waste.

3. Transporters Who Selected the Hazardous Waste Facility. The third category of persons whom the Act requires to notify EPA under Section 103(c) are persons who accepted hazardous wastes for transport and who selected the treatment, storage or disposal facility.

This category does not include persons who simply delivered, at the instruction of the shipper or other persons, to a particular facility. Those persons did not "select" the treatment, storage or disposal facility. Accordingly, interstate common or contract carriers who under the authority of the Interstate Commerce Commission, do not exercise control of the destination of shipments are excluded from the requirement to notify under Section 103(c). These transporters do not have to notify for those shipments of hazardous waste.

Persons who generate hazardous waste may themselves provide transportation of the waste to a hazardous waste facility of their selection. These generators are required to notify under Section 103(c); their status as generator does not affect their responsibilities as persons who transport hazardous waste and select the hazardous waste facility.

III. Agency Implementation and Enforcement Policy

The focus of the notification provision is on facilities at which hazardous waste have been treated, stored, or disposed in the past and at which hazardous waste is still present. These are the facilities for which activities under the Act may be necessary to protect public health and welfare. Initially, EPA's enforcement of Section 103(c) will be primarily directed towards persons who failed to notify the Agency of the existence of facilities for which EPA is requiring notification or who provided false, misleading, or substantially incomplete information about a facility.

In terms of the information necessary for the Agency to develop priorities for action under the Act, there are certain categories of facilities for which the Agency may have sufficient information, or may need only a partial submission, or the submission of the form will not provide information useful to the Agency. First, there are three types of facilities for which persons have already submitted to the Federal government information comparable to that sought in this notification. The Agency is not exempting these persons from the requirement to notify under Section 103(c). For two of these (facilities that have filed either RCRA § 3010 notifications or RCRA Part A applications), the Agency will accept the earlier submission as the Section 103(c) notification. For another group of

facilities (those who responded to a Congressional survey), EPA will accept their earlier responses, updated and supplemented as necessary, as the Section 103(c) notification.

Second, there are presently operating, facilities which are excluded, either partially or totally, from the RCRA regulations. These facilities are already subject to recordkeeping or reporting requirements or their activities pose minimal risk to human health and the environment.

Third, there are several types of facilities for which, although literally subject to the terms of Section 103(c), notifications would overwhelm the Agency's capacity to implement this program without providing significant benefits to the Agency.

EPA is excluding the facilities, in these latter two categories, as discussed below, from the requirement to notify at this time. These exclusions are made as a matter of enforcement policy. They do not necessarily constitute a legal interpretation of Section 103(c) nor do they reflect the Agency's position with respect to the other authorities of the Act.

A. Persons Who Have Already Submitted Information on Facilities

There are three classes of persons who have already submitted information on their hazardous waste activities to the government, and these earlier submissions may satisfy or partially satisfy the notification requirement of Section 103(c).

The first category are persons who notified EPA of treatment storage, or disposal activities on their sites under Section 3010 of RCRA.[1] In August of 1979 these persons informed EPA of the location of the site, their activities, and the type of hazardous wastes handled. This information will provide EPA a sufficient basis to develop priorities for site investigation and therefore EPA will accept this notification as notification under Section 103(c).

This administrative exclusion extends only to persons who indicated in the Section 3010 notification that they were treating, storing, or disposing of hazardous wastes on their site. Persons who simply stated that they generated or transported hazardous waste but who in fact also meet the tests for Section 103(c) notification are required to notify under Section 103(c) because that earlier submission did not alert the Agency to these other on-site activities. In addition, this exclusion does not extend to those facilities for which no Section 3010 notification was filed, e.g., inactive facilities. EPA may not know of the existence of these sites or the nature of the wastes they contain. These facilities are subject to the notification requirement.

Another category of persons may have submitted a RCRA Part A permit application but, for other reasons, did not qualify for interim status. See RCRA Section 3005(e), 40 CFR 122.23. These persons submitted to EPA substantial information on their activities, and the wastes handled. EPA will therefore consider that these persons have satisfied their obligation to notify EPA under Section 103(c) of the Act for those facilities covered by the RCRA Part A permit application.

Another category of persons voluntarily responded to a survey conducted by the U.S. House Committee on Interstate and Foreign Commerce in 1979. These persons, large chemical companies, supplied extensive information to this committee on hazardous waste disposal sites. These persons may choose to either file a notification using Form 8900–1 or submit to the Agency, their earlier response to the House Committee, supplementing and updating it as necessary to provide all the information requested in Form 8900–1. These persons are, of course, required to notify under Section 103(c) of other hazardous waste facilities which were not earlier reported.

B. Persons Engaged in RCRA Hazardous Waste Activities

There are a number of hazardous waste management activities which are wholly or partially excluded from regulation under Subtitle C of RCRA. Under the RCRA regulations, these activities do not require interim status or RCRA permits, and therefore are not subject to the statutory exemption from notification. Persons have asked whether these present activities are subject to the notification provision of Section 103(c). EPA is taking the position that, as a matter of enforcement policy, there is no need to require notification of several of these activities which are excluded from full RCRA regulation. For other facilities, however, the notification requirement is being retained. The precise exclusions and inclusions are set forth below.

1. Hazardous Wastes Present in Product Storage Tanks, Vessels and Vehicles. On October 30, 1980, EPA amended its regulations to state generally that hazardous wastes generated in product or raw material storage tanks, transportation vessels or vehicles were not subject to regulation until the hazardous waste was removed from such unit or until the unit was no longer used for holding the product or raw material. 45 FR 72024 (October 30, 1980). Product storage tanks, for example, may accumulate residues which are hazardous waste. The amendment stated that hazardous waste generated in such units would not become subject to RCRA regulation until it was removed from the unit or until 90 days after the unit ceased to be used for manufacturing, storing or transporting products on raw materials. On December 6, 1980, EPA extended the applicability of this amendment to pipelines carrying products or raw materials. 45 FR 80286. An underlying rationale for this amendment is that because the primary function of these units is to contain product or commodities, rather than wastes, there is substantial incentive to maintain the structural integrity of these units, thus reducing the potential risk of harm to public health and the environment.

For purposes of Section 103(c) notification, EPA will not consider product or raw material storage tanks, transportation vessels or vehicles which are presently in use to be hazardous waste storage facilitites. This does not extend, however, to units which are no longer in use and in which hazardous wastes remain.

2. Short-term Accumulation of Hazardous Waste on the Site of Generation. The RCRA regulations allow a generator to accumulate hazardous waste on its site for a period of 90 days prior to sending the waste to a permitted treatment, storage or disposal facility. If the generator complies with certain requirements to ensure the safe storing of such waste it is not required to comply with the RCRA storage standards or permitting requirements for this short-term accumulation of hazardous waste. 40 CFR 262.34. For purposes of the RCRA regulations this is not considered the storage of hazardous waste.

For purposes of Section 103(c) notification, EPA will not require notification of the short-term accumulation of hazardous waste by generators subject to the RCRA regulations. These generators are subject to the RCRA recordkeeping and reporting requirements and their on-site accumulation of wastes are subject to substantive requirements.

[1] To continue to operate hazardous treatment storage and disposal facilities after November 19, 1980, these persons were required to file RCRA Part A permit applications and qualify for interim status. If they did so, the Act exempts them from the notification of Section 103(c). This applies to those who, after filing the Section 3010 notification, decided not to file the RCRA Part A application and did not qualify for interim status.

3. Totally Enclosed Treatment Facilities. EPA exempted totally enclosed treatment facilities from the treatment standards and permitting requirements of the RCRA regulations. 40 CFR 265.1(c)(9). These treatment facilities are defined as treatment facilities which are directly connected to an industrial production process and which are constructed and operated in a manner to prevent the release of hazardous wastes or constituents into the environment. Thus, if properly operated, they pose minimal risk, to human health or the environment. EPA is not requiring the notification under Section 103(c) of these facilities.

4. Wastewater Treatment Tanks and Neutralization Tanks. On November 17, 1980, EPA suspended the application of the RCRA treatment and storage regulations and permitting requirements for elementary neutralization tanks which treat corrosive wastes and wastewater treatment tanks which are part of treatment systems that are subject to regulation under Section 402 or Section 307(b) of the Clean Water Act. 45 FR 76074. At the same time, EPA proposed standards for the operation of these neutralization tanks and wastewater treatment tanks. 45 FR 76076.

For reasons similar to totally enclosed treatment systems, EPA is not requiring notification under Section 103(c). In all likelihood these treatment systems are not the types of hazardous waste sites which will require attention by the Agency under the authority of the Act.

5. Farmers Disposing of Waste Pesticides From Their Own Use. The RCRA regulations exclude from the full RCRA regulation farmers who dispose of waste pesticide from their own use, provided they triple rinse the pesticide container and dispose of the pesticide residue on their farms in a manner consistent with the disposal instructions on the pesticide label. 40 CFR 262.51. The conditions on which this exclusion was based—the triple rinsing, disposal in accordance with the label instructions, use of the farmer's own land—diminish attendent risk to human health and the environment.

EPA is not requiring notification under Section 103(c) from farmers who dispose of their waste pesticides on their property, if done in accordance with the provisions of 40 CFR § 262.51. These activities are not likely to warrant government attention and response actions under the Act. Requiring notification of these disposal practices would, however, impose a reporting requirement on thousands of persons without generating information useful for the implementation of the Act.

This exclusion only extends to farmers disposing of their waste pesticides on their property. If a farmer also treats, stores, or disposes of other hazardous wastes or disposes of waste pesticides of other persons on his property, notification under Section 103(c) is required.

6. Facilities That Use, Re-use, Recycle or Reclaim Hazardous Waste. The RCRA regulations exclude from regulation facilities that beneficially use or re-use or legitimately recycle or reclaim certain hazardous wastes. For sludges and listed hazardous waste, however, the RCRA regulations concerning transportation and storage are fully applicable. 40 CFR 261.6. In promulgating these regulations, EPA noted that hazardous wastes, regardless of their end use, pose significant health and environment hazards and that regulation of use, re-use, recycling and reclamation facilities was appropriate. See 45 FR 33066, 33090–33095 (May 19, 1980).

Facilities that use, re-use, recycle or reclaim hazardous waste include a diverse number of activities, including such things as land applications and the use of surface impoundments. Given the broad coverage, it does not appear appropriate to exclude from the notification requirement of Section 103(c) all facilities that use, re-use, recycle or reclaim hazardous waste, particularly when such activities involve the disposal of hazardous wastes into the environment. Unless otherwise excluded from the notification requirement (e.g., because they have RCRA interim status or notified under Section 3010 of the facility), these facilities are subject to the notification requirement of Section 103(c).

7. Facilities Containing Hazardous Wastes of Small Quantity Generators. Small quantity generators, those generating less than 1,000 kilograms of hazardous waste a month,[2] were excluded from full RCRA regulation. 40 CFR 261.5. To take advantage of this exclusion the generator must ensure that the waste is managed in a facility which is either permitted or in interim status under Subtitle C, or in a facility which is permitted, licensed or approved by a state to manage municipal or industrial solid waste, or a facility which beneficially uses, or re-uses or legitimately recycles or reclaims, the waste. 40 CFR 261.5(f) as amended 45 FR 76620 (Nov. 19, 1980).

This exclusion is not keyed to the quantities of hazardous waste treated, stored or disposed at a particular site but rather the amount of waste a particular generator produces.[3] A disposal facility, only containing wastes from small quantity generator wastes, for example, may contain significant amounts of hazardous waste which may pose a threat to human health and the environment. There is no basis to exclude from the notification requirement of Section 103(c) these hazardous waste facilities if they are otherwise required to notify.

C. Other Facilities for Which EPA Is Not Requiring Notification

Within the scope of the notification provision are three types of facilities for which the Agency is not requiring notification: (a) Facilities that have disposed of less than 55 gallons of hazardous waste; (b) areas where incidental leakage or spillage has occurred; and (c) inactive treatment or storage facilities at which no hazardous wastes are present. Requiring persons to notify of these facilities would result in thousands of notifications that would hinder the ability of the Agency to implement the program. These facilities generally pose, in the Agency's current estimation, less hazard to human health and the environment than other facilities and would not, in all likelihood, be candidates for further governmental attention or response. These administrative exclusions apply only to the requirement to notify under Section 103(c) and will not limit the government's exercise of the other authorities of the Act in appropriate circumstances.

1. Facilities at Which Less Than 55 Gallons of Hazardous Waste Have Been Disposed. In the course of developing this notification form, many persons suggested that, for notification purposes, the Agency set a *de minimis* quantity level for hazardous wastes present at a facility. Given the breadth of the statutory provisions, these persons felt that, without such an exclusion, the Agency would receive thousands of notifications of locations containing small amounts of hazardous waste.

For purposes of this notification, EPA has been unable to set *de minimis* quantity levels for hazardous wastes that would represent no potential threat to human health and the environment. No sound technical basis exists to set a

[2] Lower quantity cutoff levels were established for certain acutely hazardous wastes listed in 40 CFR 261.33(e).

[3] Under the RCRA regulations, however, small quantity generators may accumulate on-site 1,000 kilograms of hazardous waste without becoming subject to the RCRA standards and permitting requirements for storage. These small quantity generators are not required to notify under Section 103(c) of this activity.

de minimis level reflecting such factors as degree or hazard which would apply to all hazardous waste in all locations. The degree of risk associated with a hazardous waste facility depends on a variety of factors—e.g., the type of waste, the type of disposal technique, hydrogeologic conditions—and not simply the quantity of waste present. Very small quantities of acutely hazardous waste may require action to minimize dangers to human health or the environment. Any *de minimis* level, therefore, must be based primarily on administrative considerations.

The primary concern of the Agency is to learn of hazardous waste sites that contain amounts of hazardous waste which may cause the most serious problems to human health and the environment. Accordingly, EPA is not interested in receiving notification of sites which, in all likelihood, do not pose as serious hazards to human health and the environment and which are unlikely to warrant governmental attention or response. For reasons of administrative necessity, EPA is not requiring Section 103(c) notification of facilities which contain less than 55 gallons (or 7.4 cubic feet) of hazardous waste.[4] Facilities at which more than this quantity of hazardous waste has been disposed will be subject to enforcement actions for failure to notify under Section 103(c).

This exclusion from notification will not prevent the government, in appropriate situations, from exercising its other statutory authorities with respect to these facilities. Persons who believe that facilities containing less than 55 gallons of hazardous waste may present hazards to human health and the environment are encouraged to notify the government of the existence of these sites. Such notification will enable the government to determine if action is necessary.

2. *Incidental Spillage and Leakage.* Many business enterprises handle quantities of hazardous substances in the course of their business operations even though they do treat, store or dispose of hazardous waste. Over the years, these businesses may have experienced minor spillage or leakage of these substances: Buckets drop, pipes leak, etc. Under a literal reading of the definition of "disposal" [5] all places in which such spillage or leakage occurred could be considered disposal facilities requiring notification under Section 103(c). EPA's concern, however, is with present sites which contain hazardous waste and which may cause problems. It is not therefore requiring notification of places in which minor spillage and leakage associated with normal business operations have occurred.

It should be noted that major or long-term leakage or spillage may create *de facto* disposal facilities. A catastrophic event (e.g., a major spill) or chronic occurrences (e.g., frequent spills or constant leakage over a period of years) may have caused an area to become a disposal facility. These latter facilities remain subject to the notification requirement of Section 103(c).

3. *Inactive Storage and Treatment Facilities.* Many facilities may have stored or treated hazardous waste in the past but, because of a change in business activity, no longer engage in such activities. A warehouse may have stored hazardous waste prior to its shipment elsewhere but is no longer used for such purposes. Under the Act, persons are required to notify EPA of these facilities. If there are no wastes present at a facility which in the past treated or stored hazardous wastes, EPA believes there is no value in requiring notification. Learning of historic loading docks, warehouses and similar facilities would not facilitate EPA's efforts to achieve the statutory goals.

This administrative exclusion extends only to treatment and storage activities which are not associated with disposal activities (including major or long-term spillage or leakage) and which do not entail permanent disposition of the waste at the facility. Surface impoundments may be used as storage facilities but hazardous wastes may have settled in the impoundment or leached into the groundwater. Treatment activities may include land treatment or application, or the use of surface impoundments. In these situations there is a permanent disposition of hazardous waste, and notification is required under Section 103(c).

VII. Claims of Confidentiality

All information submitted in this form will be subject to public disclosure, to the extent provided by the Act, the Freedom of Information Act (5 U.S.C. 552), and EPA's Business Confidentiality Regulations (40 CFR Part 2). Persons filing this form make claims of confidentiality. Such claims must be clearly indicated by marking "confidential" on the notification.

EPA is not requiring persons to substantiate claims of confidentiality at the time of submission of the notification. The Agency intends, however, to make information received in the notification quickly available to the public. The Act requires that the notification be made available to the states. In addition EPA intends to publish an inventory of hazardous waste sites, using information received on the notification forms. The Agency also anticipates receiving numerous Freedom of Information Requests for these notifications. The Agency intends to make public the information received in the notification; it may therefore issue to persons claiming confidentiality a notice requesting substantiation. See 40 CFR 2.204. This notice may be sent promptly on receipt of the notification and, in all likelihood, will require a response in 15 working days. Persons may, of course, choose to file substantiation at the time of notification.

To substantiate a claim of confidentiality, a person must demonstrate that his competitive business position will be harmed if the information were disclosed. To substantiate a claim, the notifier must answer the following questions:

1. Which portions of the information do you claim are entitled to confidential treatment?
2. How long do you want this information treated confidentially?
3. What measures have you taken to guard against undesired disclosures of the information to others?
4. To what extent has the information been disclosed to others, and what precautions have you taken in connection with those disclosures?
5. Has EPA or any other Federal Agency made a pertinent confidentiality determination? (If so, include a copy of this determination or reference to it, if available).
6. Will disclosure of the information be likely to substantially harm your competitive position? If so, what would the harm be, and why should it be viewed as substantial? What is the relationship between disclosure and the harm?

VIII. OMB Review

Under the Paperwork Reduction Act of 1980, the Office of Management and Budget reviews recordkeeping and reporting requirements of Federal agencies in order to minimize the burden of respondents and the cost to the

[4] This quantity represents a common unit for handling and transporting wastes—55 gallon drums—and corresponds roughly to 208 kilograms of hazardous waste having the specific gravity of water.

[5] The Act states that the term "disposal" shall have the meaning of RCRA Section 1004. (Section 101(29)). RCRA defines "disposal" as "the discharge, deposit, injection, dumping, spilling, leaking or placing any solid waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters." RCRA Section 1004(3).

Federal government imposed by collections of information. In the development of this form EPA worked closely with OMB, and incorporated many helpful suggestions of the OMB staff. OMB has cleared the use of this Form.

Under Executive Order 1291, EPA must determine whether a regulation is "major," and therefore subject to the requirement of a Regulatory Impact Analysis. EPA has concluded that this action is not a "major" regulation because the total cost of compliance is estimated to be less than $2.5 million will not result in a major increase in costs or prices, and will not have significant adverse effects on business competition, employment, investion, productivity or innovation. As noted, under the Paperwork Reduction Act OMB has reviewed the form and accompanying materials and OMB has stated that this review also satisfies the requirements of the Executive Order. Any comments to EPA from OMB on this action and any EPA response to such comments will be available for public review.

Dated: April 10, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

BILLING CODE 6560-29-M

United States
Environmental Protection
Agency

EPA

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 PL 96-510 (commonly known as Superfund) mandates in Section 103(c) that certain persons notify the U.S. Environmental Protection Agency (EPA) by June 9, 1981 of the existence of sites where hazardous wastes from industries, businesses, governments, hospitals, and other sources are stored, treated, or disposed of.

Persons who believe they are required to notify have requested that EPA develop and distribute forms and accompanying guidance material in order that respondents can more easily comply with the new law. This in turn, will ensure that information submitted to EPA will be both consistent and useful.

Those required to notify must inform EPA that the site exists and provide details on its location, the amount and type of any hazardous wastes to be found there, and any known, suspected or likely releases of such wastes from the site. All of this information can be provided by completing the enclosed EPA Form 8900-1, Notification of Hazardous Waste Site. The notification form should be mailed to the EPA Regional Office serving the State in which the site is located by June 9, 1981

The enclosed packet also includes the following:

- General Information
- A list of EPA Region mailing addresses and information telephone numbers
- Instructions for filling out the form

Receipt of this packet does not necessarily mean that you are required to notify. For example, certain locations (such as gasoline service stations and dry cleaning plants) which accumulated hazardous wastes only as a result of minor leakage or spillage that occurred in the course of normal operations are not expected to notify To determine if you must notify please read the General Information portion of the notification packet.

EPA believes that those legally required to notify may not be able to identify every hazardous waste site. Therefore, we encourage the general public to fill out the notification form if they know of sites which otherwise might not be reported. This is most applicable to sites that are abandoned or where midnight dumping has occurred and where government investigators are not likely to know of the site.

These forms, along with other efforts EPA has underway should help to compile a national inventory of hazardous waste sites. With this inventory EPA and State and local governments can do a better job of remedying the problems created by uncontrolled hazardous waste disposal. If you have any questions regarding the notification process, please contact the EPA Region serving the State in which the site is located. We thank you for your cooperation.

Sincerely Yours,

Walter C Barber

Acting Administrator
Environmental Protection Agency

General Information

The primary purpose of this notification program is to locate hazardous waste sites which treated, stored, or disposed of hazardous waste in the past and at which hazardous waste is still present. The most important information you can provide to EPA is the existence of a hazardous waste site and its location. For purposes of describing the hazardous waste to be found at a site, the quantities of such waste and the type of activity at a site, EPA is not requiring that you painstakingly document the information submitted. This information may be based on your knowledge, belief, recollection or reasonably available records.

Who Must Notify

Section 103(c) of Superfund requires that, unless exempted, the following must notify EPA:

- Any person who presently owns or operates a site where there are facilities that store, treat, or dispose of hazardous wastes.
- Any person who, at the time of disposal, owned or operated a site where there are facilities that store, treat, or dispose of hazardous wastes.
- Any person who accepted hazardous wastes for transport and selected a site where there are facilities that store, treat, or dispose of hazardous wastes.

Persons required to notify include individuals and private, public, and government entities.

Who Need Not Notify

1 Section 3010 of the Resource Conservation and Recovery Act (RCRA) requires any person who generates or transports hazardous wastes or who owns or operates a facility that treats, stores, or disposes of hazardous wastes to notify EPA of such activities. For purposes of this notification any person who notified under Section 3010 for one or more treatment, storage, or disposal facilities does not have to notify EPA again of those specific facilities. However, notification is required for facilities not previously reported under Section 3010 that are on or contiguous to sites reported under Section 3010.

2. A person does not have to notify of facilities that have qualified for Interim Status under RCRA.

3 Facilities at which less than 55 gallons (or 7.4 cubic feet) of hazardous wastes have been disposed are not subject to this notification requirement.

4 Locations where hazardous waste accumulated only as a result of minor leakage or spillage that occurred in the course of normal operations are not considered hazardous waste sites for purposes of this notification unless such accumulation may pose significant risk to human health and the environment.

5. Municipal landfills, town dumps and other facilities that receive household wastes only, are not subject to notification. Municipal landfills that received hazardous wastes, especially wastes in segregated shipments from industrial services, would be expected to notify.

6 Facilities at which hazardous wastes had been treated or stored and from which all those hazardous wastes have been removed so as to eliminate any risk to human health and the environment are not subject to this notification requirement.

7 The application of pesticide products registered under the Federal Insecticide, Fungicide and Rodenticide Act and the handling and storage of such products by agricultural producers are not subject to this notification requirement. Sites at which pesticides have been disposed are subject to the notification requirement of Section 103(c). Farmers who have disposed of waste pesticide in a manner consistent with the disposal instruction on the pesticide label are not subject to this notification requirement.

8. Stoppage in transport of hazardous waste which is temporary, incidental to the transportation, or at the ordinary operating convenience of a common or contract carrier is not, for purposes of this notification, storage.

9. Certain facilities which handle hazardous wastes pursuant to RCRA are not subject to this notification requirement. They include:

- Product or raw material storage tanks and transportation vessels or vehicles which are presently in use are not considered hazardous waste storage facilities, even though hazardous waste may be generated in such units in the course of their use. This does not extend, however, to units which are no longer in use and in which hazardous waste remain.
- Short-term accumulation (90 days or less) of hazardous wastes by generators subject to RCRA regulations is not, for purposes of this notification, storage.
- Totally enclosed treatment facilities.
- Wastewater treatment tanks and neutralization tanks.

Wastes Subject To Notification

Wastes subject to notification under Superfund are listed or identified as hazardous in the regulations issued under Section 3001 of RCRA. You are not expected to sample wastes to determine if they are hazardous. Rather, you can use any knowledge you have of the wastes, including the materials or processes involved or the types of facilities that generate the wastes. You should notify about sites if you believe the wastes may be hazardous due to barrel labels, odors, health effects, or other indicators.

Polychlorinated biphenyls (PCBs) are not currently included within the RCRA Section 3001 regulations but are regulated under the Toxic Substances Control Act (TSCA). Consequently, notification of PCB treatment, storage, or disposal sites is not mandatory. However, in order to make this notification more comprehensive, EPA is requesting a voluntary notification of sites containing PCBs as part of this notification program.

Wastes Not Subject To Notification

The following wastes are not subject to notification under Section 103(c) of Superfund.

1 Solid wastes listed below not presently regulated as "hazardous waste" under RCRA.

- "Household waste", defined as any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels):
- Solid wastes generated by any of the following and returned to the soil as fertilizers:

—The growing and harvesting of agricultural crops.

—The raising of animals, including animal manure.

- Mining overburden returned to the mine site.

- Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from combustion of coal or other fossil fuels.
- Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.
- Solid waste from extraction, beneficiation and processing of ores or minerals, including phosphate rock and overburden from the mining of uranium ore.
- Cement kiln dust waste.

2 Natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

3 Petroleum, including crude oil or any fraction thereof which is not specifically listed under RCRA

Penalties

Any person convicted of knowingly failing to notify may be fined not more than $10,000 or imprisoned for not more than 1 year, or both. In addition, violators shall not be entitled to the protections of the liability provisions of Section 107 of Superfund Information received under Section 103(c) will not be used against any person in any criminal case, except a prosecution for perjury or for giving a false statement.

What Information Should Be Filed

When filing a notification, you must indicate the site location, specify the amount and type of any hazardous wastes to be found there, and show any known, suspected, or likely releases of such wastes from the site. You can provide all this information by completing and mailing the enclosed EPA Form 8900-1, Notification of Hazardous Waste Site.

The 53 chemical companies who submitted extensive facility information in previous responses to a survey conducted by the House Interstate and Foreign Commerce Committee in 1979 ("Waste Disposal Site Survey Directory"—Committee Print 96-IFC 33 pulished October 1979), may choose to

- complete Form 8900-1, or
- submit to EPA the information provided to the House Committee, updating and supplementing it as necessary to provide the information requested in Form 8900-1.

How Many Forms Should Be Filed

You should provide one notification form per site, whether the site has one or more treatment, storage, or disposal facilities within its boundary (see facility and site definitions).

When to File

Envelopes must be postmarked no later than June 9, 1981.

Acknowledgement

EPA will send you a postcard acknowledging receipt of your notification.

Confidential Information

Industrial and commercial organizations may be concerned about public disclosure of information that they report. All information reported in a notification other than trade secrets can be disclosed to the public, according to the Freedom of Information Act and EPA Freedom of Information Regulations. Because notification information is very general, EPA believes that it is unlikely that information reported qualifies for protection from disclosure as trade secrets.

However, if you wish to claim confidentiality, print the word "confidential" on both sides of the Notification Form and any attachments. EPA encourages you to substantiate your claim at the time of notification by providing written answers to each of the questions listed below. Otherwise EPA may send notice promptly on receipt of notification requesting substantiation within 15 working days.

1 Which portions of the information do you claim are entitled to confidential treatment?

2 How long do you want this information treated confidentially?

3 What measures have you taken to guard against undesired disclosures of the information to others?

4 To what extent has the information been disclosed to others, and what precautions have you taken in connection with those disclosures?

5 Has EPA or any other Federal Agency made a pertinent confidentiality determination? (If so, include a copy of this determination or reference to it, if available).

6 Will disclosure of the information be likely to substantially harm your competitive position? If so, what would the harm be, and why should it be viewed as substantial? What is the relationship between disclosure and the harm?

Where to File

EPA Region Address	Area and Information Telephone Numbers	
US EPA Region 1 Sites Notification Boston, MA 02203	617 223 0090 617 223 0214	Massachusetts Maine, Rhode Island Connecticut, New Hampshire, Vermont
US EPA Region 2 Sites Notification New York, NY 10007	212-264-1573	New Jersey, New York, Virgin Islands, Puerto Rico
US EPA Region 3 Sites Notification Philadelphia, PA 19106	215-597-8751	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
US EPA Region 4 Sites Notification Atlanta GA 30308	404-881-2234	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
US EPA Region 5 Sites Notification Chicago, ILL 60604	312-886-3500	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
US EPA Region 6 Sites Notification Dallas, TX 75270	214-767-4075	Arkansas, Louisiana, New Mexico Oklahoma, Texas
US EPA Region 7 Sites Notification Kansas City, MO 64106	816-374-6864	Iowa, Kansas, Missouri, Nebraska
US EPA Region 8 Sites Notification Denver, CO 80295	800-332-3321 800-525-3022	Colorado Montana, North Dakota, South Dakota, Utah, Wyoming
US EPA Region 9 Sites Notification San Francisco, CA 94105	415-556-1407	Arizona, California, Hawaii, Nevada, Guam, American Samoa, Commonwealth of the Northern Marianas
US EPA Region 10 Sites Notification Seattle, WA 98101	800-732-9319 800-426-9947	Washington Alaska, Idaho, Oregon

Definitions

The following definitions may assist you in completing the notification form.

Act: the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" (Superfund).

Administrator: the Administrator of the United States Environmental Protection Agency.

Disposal: the discharge, deposit, injection, dumping spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Environment: (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

Facility: (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle rolling stock, or aircraft, or (B) any site or area where a hazardous waste has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel (for purposes of this notification, (A) is most applicable).

Hazardous Waste: for purposes of this notification requirement means any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of RCRA (but not including any waste the regulation of which under RCRA has been suspended by Act of Congress).

Owner or Operator: (A) in the case of an onshore facility, any person owning or operating such facility, and (B) in the case of any abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment.

Person: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State or any interstate body.

Release: any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing, into the environment.

Site: the location at which hazardous wastes were stored, treated, or disposed of by persons required to notify under Section 103(c). This includes all contiguous land, structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous wastes. A site may consist of several treatment, storage, or disposal facilities.

Storage: the holding of hazardous waste for a temporary period at the end of which the hazardous waste is treated, stored, or disposed elsewhere.

Transport or Transportation: the movement of a hazardous substance by any mode, including pipeline (as defined in the Pipeline Safety Act), and in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the term "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as continuity of movement and not as the storage of a hazardous waste.

Treatment: any method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste to neutralize such waste, or so as to recover energy or material resources from the waste, or to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, or storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

Waste Quantity: the actual or estimated size of the area affected (such as square feet or acres) and/or amount of waste (such as gallons or cubic feet) for the various treatment, storage or disposal facilities used at a site.

Waste Type: the type of hazardous substance that has been treated, stored, or disposed at a site.

EPA

Official Business
Penalty for Private Use
$300

Bulk Rate
Postage and Fees Paid
EPA
Permit No G-35

United States
Environmental Protection
Agency

Office of Hazardous
Emergency Response WH-548
Washington DC 20460

EPA Notification of Hazardous Waste Site

United States
Environmental Protection
Agency
Washington DC 20460

This initial notification information is required by Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and must be mailed by June 9, 1981.

Please type or print in ink. If you need additional space, use separate sheets of paper. Indicate the letter of the item which applies.

A Person Required to Notify:

Enter the name and address of the person or organization required to notify.

Name _____

Street _____

City _____ State _____ Zip Code _____

B Site Location:

Enter the common name (if known) and actual location of the site.

Name of Site _____

Street _____

City _____ County _____ State _____ Zip Code _____

C Person to Contact:

Enter the name, title (if applicable), and business telephone number of the person to contact regarding information submitted on this form.

Name (Last, First and Title) _____

Phone _____

D Dates of Waste Handling:

Enter the years that you estimate waste treatment, storage, or disposal began and ended at the site.

From (Year) _____ To (Year) _____

E Waste Type: Choose the option you prefer to complete

Option I: Select general waste types and source categories. If you do not know the general waste types or sources, you are encouraged to describe the site in Item I—Description of Site.

General Type of Waste:
Place an X in the appropriate boxes. The categories listed overlap. Check each applicable category.

1. ☐ Organics
2. ☐ Inorganics
3. ☐ Solvents
4. ☐ Pesticides
5. ☐ Heavy metals
6. ☐ Acids
7. ☐ Bases
8. ☐ PCBs
9. ☐ Mixed Municipal Waste
10. ☐ Unknown
11. ☐ Other (Specify)

_____
_____
_____

Source of Waste:
Place an X in the appropriate boxes.

1. ☐ Mining
2. ☐ Construction
3. ☐ Textiles
4. ☐ Fertilizer
5. ☐ Paper/Printing
6. ☐ Leather Tanning
7. ☐ Iron/Steel Foundry
8. ☐ Chemical, General
9. ☐ Plating/Polishing
10. ☐ Military/Ammunition
11. ☐ Electrical Conductors
12. ☐ Transformers
13. ☐ Utility Companies
14. ☐ Sanitary/Refuse
15. ☐ Photofinish
16. ☐ Lab/Hospital
17. ☐ Unknown
18. ☐ Other (Specify)

_____
_____
_____

Option 2: This option is available to persons familiar with the Resource Conservation and Recovery Act (RCRA) Section 3001 regulations (40 CFR Part 261).

Specific Type of Waste:
EPA has assigned a four-digit number to each hazardous waste listed in the regulations under Section 3001 of RCRA. Enter the appropriate four-digit number in the boxes provided. A copy of the list of hazardous wastes and codes can be obtained by contacting the EPA Region serving the State in which the site is located.

Form Approved
OMB No. 2000-0138

Notification of Hazardous Waste Site — Side Two

F Waste Quantity

Place an X in the appropriate boxes to indicate the facility types found at the site.

In the "total facility waste amount" space give the estimated combined quantity (volume) of hazardous wastes at the site using cubic feet or gallons.

In the "total facility area" space, give the estimated area size which the facilities occupy using square feet or acres.

Facility Type

1. ☐ Piles
2. ☐ Land Treatment
3. ☐ Landfill
4. ☐ Tanks
5. ☐ Impoundment
6. ☐ Underground Injection
7. ☐ Drums, Above Ground
8. ☐ Drums, Below Ground
9. ☐ Other (Specify) _____

Total Facility Waste Amount

cubic feet _____

gallons _____

Total Facility Area

square feet _____

acres _____

G Known, Suspected or Likely Releases to the Environment:

Place an X in the appropriate boxes to indicate any known, suspected, or likely releases of wastes to the environment.

☐ Known ☐ Suspected ☐ Likely ☐ None

Note: Items H and I are optional. Completing these items will assist EPA and State and local governments in locating and assessi 9 hazardous waste sites. Although completing the items is not required, you are encouraged to do so

H Sketch Map of Site Location: (Optional)

Sketch a map showing streets, highways, routes or other prominent landmarks near the site. Place an X on the map to indicate the site location. Draw an arrow showing the direction north. You may substitute a publishing map showing the site location.

I Description of Site: (Optional)

Describe the history and present conditions of the site. Give directions to the site and describe any nearby wells, springs, lakes, or housing. Include such information as how waste was disposed and where the waste came from. Provide any other information or comments which may help describe the site conditions.

J Signature and Title:

The person or authorized representative (such as plant managers, superintendents, trustees or attorneys) of persons required to notify must sign the form and provide a mailing address (if different than address in item A). For other persons providing notification, the signature is optional. Check the boxes which best describe the relationship to the site of the person required to notify. If you are not required to notify check "Other"

Name _____

Street _____

City _____ State _____ Zip Code _____

Signature _____ Date _____

☐ Owner, Present
☐ Owner, Past
☐ Transporter
☐ Operator, Present
☐ Operator, Past
☐ Other

[FR Doc. 81-11500 Filed 4-14-81; 8:45 am]

BILLING CODE 6560-29-C

federal register

Wednesday
April 15, 1981

Part IV

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

April 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of April 1, 1981 of 155 recissions and 104 deferrals contained in the first eight special messages for FY 1981. These messages were transmitted to the Congress on October 1 and December 2, 1980, January 15 and 29, February 13, March 10, 17, and 19, 1981.

Rescissions (Table A and Attachment A)

Rescission proposals totalling $14,756.0 million are currently pending before the Congress. Table A summarizes the status of recisions proposed by the President as of April 1, 1981, while Attachment A shows the history and status of each rescission proposed during FY 1981.

Deferrals (Table B and Attachment B)

As of April 1, 1981, $4,999.2 million in 1981 budget authority was being deferred from obligation and another $11.2 million in 1981obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1981.

Information From Special Messages

The special messages containing information on the deferrals covered by the cumulative report are printed in the **Federal Registers** of: Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195) Friday, December 5, 1980 (Part VII, Vol. 45, No. 236) Wednesday, January 21, 1981 (Part XII, Vol. 46, No. 13) Tuesday, February 3, 1981 (Part III, Vol. 46, No. 22) Thursday, February 19, 1981 (Part II, Vol. 46, No. 33) Friday, March 13, 1981 (Part VI, Vol. 46, No. 49) Monday, March 23, 1981 (Part III, Vol. 46, No. 55) Tuesday, March 24, 1981 (Part III, Vol. 46, No. 56).

David A. Stockman,

Director.

TABLE A

STATUS OF 1981 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$ 15,899.9
Rescission proposals withdrawn	-1,142.4
Accepted by the Congress	-0-
Rejected by the Congress	-1.5
Pending before the Congress	$ 14,756.0

* *

TABLE A

STATUS OF 1981 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$ 8,585.2
Routine Executive releases (-3,593.1 million) and adjustments (+18.4 million) through April 1, 1981	-3,574.8
Overturned by the Congress	-0-
Currently before the Congress	$ 5,010.4 a.

a. This amount includes $11.2 million in outlays for a Department of the Treasury deferral (D81-19B).

Attachments

BILLING CODE 3110-01-M

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 04/06/81 11:42

AS OF APRIL 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
EXECUTIVE OFFICE OF THE PRESIDENT							
Council on Env. Quality and Office of Env. Quality							
Council on Env Quality and Office of Env. Quality							
BA	R81- 38		708	3 17 81			
Council on Wage and Price Stability							
Salaries and expenses							
BA	R81- 34	1,500		1 20 81		1,500	3 26 81
Office of Science and Technology Policy							
Salaries and expenses							
BA	R81- 39		595	3 17 81			
EXECUTIVE OFFICE OF THE PRESIDENT TOTAL BA		1,500	1,303			1,500	
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs							
BA	R81- 40		110,000	3 17 81			
Disaster Relief							
Disaster relief							
BA	R81- 41		8,000	3 17 81			
International Development Assistance							
Sahel development program							
BA	R81- 42		2,000	3 17 81			
Inter-American Foundation							
Inter-American Foundation							
BA	R81- 43		138	3 17 81			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA			120,138				
DEPARTMENT OF AGRICULTURE							
Agricultural Stabilization Conservation Service							
Dairy and beekeeper indemnity programs							
BA	R81- 44		1,500	3 17 81			
Rural Electrification Administration							
Rural communication development fund							
BA	R81- 45		16,341a	3 17 81			
Farmers Home Administration							
Rural development planning grants							
BA	R81- 46		2,000	3 17 81			
Rural community fire protection grants							
BA	R81- 47		1,500	3 17 81			
Rural housing supervisory assistance grants							
BA	R81- 48		500	3 17 81			
Rural housing insurance fund							
BA	R81-119		316,000b	3 17 81			
Agricultural credit insurance fund							
BA	R81-120		88,850b	3 17 81			
Rural development insurance fund							
BA	R81-121		160,000b	3 17 81			
DEPARTMENT OF AGRICULTURE							
TOTAL BA				586,691			

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981

AS OF 04/06/81 11:42

AS OF APRIL 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	BA	R81- 43		138	3 17 81			
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs	BA	R81- 49		342,350	3 17 81			
Regional Development Programs								
Regional development programs	BA	R81- 50		21,000	3 17 81			
United States Travel Service								
Salaries and expenses	BA	R81- 51		41	3 17 81			
National Oceanic and Atmospheric Administration								
Operations, research, and facilities	BA	R81- 1	30,493c		1 15 81		30,493	2 13 81
	BA	R81-123		36,493	3 19 81			
Construction	BA	R81- 52		9,000	3 17 81			
Coastal energy impact fund	BA	R81- 53		40,000	3 17 81			
Science and Technical Research								
Scientific and technical research and services	BA	R81- 54		3,370	3 17 81			
National Telecommun. and Info Administration								
Salaries and expenses	BA	R81- 55		313	3 17 81			
Public telecommun facil., plan. and construction	BA	R81- 2	4,000c		1 15 81		4,000	2 13 81
	BA	R81-124		25,717	3 19 81			
Maritime Administration								
Research and development	BA	R81- 56		2,500	3 17 81			
DEPARTMENT OF COMMERCE TOTAL	BA		34,493	480,784			34,493	
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Elementary and secondary education	BA	R81- 4	52,150c		1 15 81		52,150	2 13 81
	BA	R81-126		982,385	3 19 81			
School assistance in federally affected areas	BA	R81 3	148,000c		1 15 81		148,000	2 13 81
	BA	R81-125		66,500	3 19 81			
Equal educational opportunities	BA	R81- 57		73,253	3 17 81			
Office of Special Education and Rehab. Services								
Education for the handicapped, gifted and talented	BA	R81- 58		267,938	3 17 81			
Rehabilitation services and handicapped research	BA	R81- 59		22,323	3 17 81			

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 04/06/81 11:42

AS OF APRIL 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
TOTAL BA			586,691				
Office of Vocational and Adult Education							
Vocational and adult education							
BA	R81- 5	11,862c		1 15 81		11,862	2 13 81
BA	R81-127		238,777	3 19 81			
Office of Postsecondary Education							
Student loan insurance							
BA	R81- 6	78,728c		1 15 81		78,728	2 13 81
BA	R81-128		103,270	3 19 81			
Higher and continuing education							
BA	R81- 7	30,989c		1 15 81		30,989	2 13 81
BA	R81-129		49,239	3 19 81			
College housing loans							
BA	R81- 60		14,550	3 17 81			
Office of Educational Research and Improvement							
Libraries and learning technologies							
BA	R81- 61		42,750	3 17 81			
Institute of museum services							
BA	R81- 62		12,357	3 17 81			
School improvement programs							
BA	R81- 63		36,606	3 17 81			
DEPARTMENT OF EDUCATION TOTAL BA		321,729	1,909,948			321,729	
DEPARTMENT OF ENERGY							
Energy Programs							
Energy supply R&D- operating expenses							
BA	R81- 8	25,026c		1 15 81		25,026	2 13 81
BA	R81-130		126,609	3 19 81			
Energy supply R&D- plant and capital equip.							
BA	R81- 9	3,650c		1 15 81		3,650	2 13 81
BA	R81-131		7,967	3 19 81			
Fossil energy research and development							
BA	R81- 10	25,450c		1 15 81		25,450	2 13 81
BA	R81-132		65,932	3 19 81			
Fossil energy construction							
BA	R81- 64		246,900	3 17 81			
Energy production demo. and distribution							
BA	R81- 65		12,649	3 17 81			
Energy conservation							
BA	R81- 11	47,800c		1 15 81		47,800	2 13 81
BA	R81-133		306,045	3 19 81			
Energy information administration							
BA	R81- 66		13,443	3 17 81			
Economic regulation							
BA	R81- 67		33,155	3 17 81			
Geothermal resources development fund							
BA	R81- 68		22,066	3 17 81			
Alternative fuels production							
BA	R81- 69		300,000	3 17 81			
Departmental Administration							
Departmental administration							
BA	R81- 70		11,500	3 17 81			

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 04/06/81 11:42

AS OF APRIL 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF ENERGY							
TOTAL BA		101,926	1,146,266			101,926	
DEPARTMENT OF HEALTH AND HUMAN SERVICES							
Health Services Administration							
Health services							
BA	R81- 12	8,057c		1 15 81		8,057	2 13 81
BA	R81-134		11,616	3 19 81			
Indian health facilities							
BA	R81- 17		8,871	3 17 81			
Centers for Disease Control							
Preventive health services							
BA	R81- 13	27,000c		1 15 81		27,000	2 13 81
BA	R81-135		38,520	3 19 81			
National Institutes of Health							
National Cancer Institute							
BA	R81- 14	13,565c		1 15 81		13,565	2 13 81
BA	R81-136		17,986	3 19 81			
National Heart, Lung, and Blood Institute							
BA	R81- 15	10,324c		1 15 81		10,324	2 13 81
BA	R81-137		11,120	3 19 81			
National Institute of Dental Research							
BA	R81- 16	302c		1 15 81		302	2 13 81
BA	R81-138		700	3 19 81			
Nat Inst of Arth., Metab and Diges Diseases							
BA	R81- 17	3,232c		1 15 81		3,232	2 13 81
BA	R81-139		3,943	3 19 81			
Nat Inst of Neurol. and Comm Disord. and Stroke							
BA	R81- 18	2,031c		1 15 81		2,031	2 13 81
BA	R81-140		4,388	3 19 81			
Nat Inst of Allergy and Infectious Diseases							
BA	R81- 72		1,088	3 17 81			
Nat Inst of General Medical Sciences							
BA	R81- 73		18,682	3 17 81			
Nat Inst of Child Health and Human Develop							
BA	R81- 19	3,285c		1 15 81		3,285	2 13 81
BA	R81-141		4,119	3 19 81			
National Eye Institute							
BA	R81- 20	2,353c		1 15 81		2,353	2 13 81
BA	R81-142		3,856	3 19 81			
Nat Inst of Environmental Health Sciences							
BA	R81- 21	3,258c		1 15 81		3,258	2 13 81
BA	R81-143		2,179	3 19 81			
National Institute of Aging							
BA	R81- 22	588c		1 15 81		588	2 13 81
BA	R81-144		1,593	3 19 81			
Research resources							
BA	R81- 23	10,561c		1 15 81		10,561	2 13 81
BA	R81-145		3,714	3 19 81			
National Library of Medicine							
BA	R81- 24	341c		1 15 81		341	2 13 81
BA	R81-146		341	3 19 81			

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 04/06/81 11 42

AS OF APRIL 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Office of the Director								
	BA	R81- 25	360c		1 15 81		360	2 13 81
	BA	R81-147		360	3 19 81			
Alcohol, Drug Abuse, and Mental Health Admin.								
Const and renovation, St Elizabeths Hospital								
	BA	R81- 74		1,020	3 19 81			
Alcohol, drug abuse, and mental health								
	BA	R81- 26	67,140c		1 15 81		67,140	2 13 81
	BA	R81-148		98,370	3 19 81			
Health Resources Administration								
Health resources								
	BA	R81- 27	78,683c		1 15 81		78,683	2 13 81
	BA	R81-149		131,751	3 19 81			
Office of Assistant Secretary for Health								
Salaries and expenses								
	BA	R81- 75		30,724	3 17 81			
Health Care Financing Administration								
Payments to health care trust funds								
	BA	R81- 76		8,693	3 17 81			
Program management								
	BA	R81- 77		6,992	3 17 81			
Social Security Administration								
Refugee assistance								
	BA	R81- 78		25,100	3 17 81			
Human Development Services								
Human development services								
	BA	R81- 28	10,000c		1 15 81		10,000	2 13 81
	BA	R81-150		10,100	3 19 81			
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA			241,080	445,826			241,080	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs								
	BA	R81- 79		5,099,104	3 17 81			
Congregate services program								
	BA	R81- 29	10,000c		1 15 81		10,000	2 13 81
	BA	R81-151		10,000	3 19 81			
Solar Energy and Energy Conservation Bank								
Assistance for solar and conserv improvements								
	BA	R81- 80		121,000	3 17 81			
Community Planning and Development								
Planning assistance								
	BA	R81- 81		34,976	3 17 81			
Rehabilitation loan fund								
	BA	R81- 82		110,857	3 17 81			
Neighborhoods, Vol Assoc and Consumer Prot								
Housing counseling assistance								
	BA	R81- 83		6,000	3 17 81			
Neighborhood self-help devel program								
	BA	R81- 84		8,119	3 17 81			

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 04/06/81 11:42

AS OF APRIL 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
TOTAL BA		10,000	5,390,056			10,000	
DEPARTMENT OF THE INTERIOR							
Office of Water Research and Technology							
Salaries and expenses							
BA	R81- 85		11,800	3 17 81			
United States Fish and Wildlife Service							
Construction and anadromous fish							
BA	R81- 86		2,500	3 17 81			
National Park Service							
Urban park and recreation grants							
BA	R81- 87		35,000	3 17 81			
Land and water conservation fund							
BA	R81- 88		250,000	3 17 81			
Historic preservation fund							
BA	R81- 89		8,000	3 17 81			
Construction (trust fund)							
BA	R81- 90		15,500	3 17 81			
Office of Surface Mining Reclam and Enforcement							
Regulation and technology							
BA	R81- 91		1,954	3 17 81			
Office of the Solicitor & Office of the Secretary							
Youth conservation corps							
BA	R81- 35		38,194	3 10 81			
DEPARTMENT OF THE INTERIOR							
TOTAL BA			362,948				
DEPARTMENT OF LABOR							
Employment and Training Administration							
Temporary employment assistance							
BA	R81- 92		234,475d	3 17 81			
DEPARTMENT OF STATE							
Bureau of Refugee Programs							
Migration and refugee assistance							
BA	R81- 93		22,500	3 17 81			
Bureau for International Narcotics Matters							
International narcotics control							
BA	R81- 94		3,100	3 17 81			
DEPARTMENT OF STATE							
TOTAL BA			25,600				
DEPARTMENT OF TRANSPORTATION							
Urban Mass Transportation Administration							
Urban mass transportation fund							
BA	R81- 95		24,700	3 17 81			
Research and Special Programs Administration							
Cooperative automotive research							
BA	R81- 96		11,500	3 17 81			

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 04/06/81 11 42

AS OF APRIL 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF TRANSPORTATION							
TOTAL BA			36,200				
DEPARTMENT OF THE TREASURY							
Bureau of Government Financial Operations							
Biomass energy development							
BA	R81- 97		1,245,500	3 17 81			
DEPARTMENT OF THE TREASURY TOTAL BA			1,245,500				
ENVIRONMENTAL PROTECTION AGENCY							
Res and dev (pollution and abatement)							
BA	R81- 98		149	3 17 81			
Abatement control and compliance							
BA	R81- 99		1,253	3 17 81			
Construction grants							
BA	R81-100		1,700,000	3 17 81			
ENVIRONMENTAL PROTECTION AGENCY TOTAL BA			1,701,402				
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and development							
BA	R81-101		4,500	3 17 81			
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TOTAL BA			4,500				
VETERANS ADMINISTRATION							
Construction, major projects							
BA	R81-102		162,160	3 17 81			
VETERANS ADMINISTRATION TOTAL BA			162,160				
OTHER INDEPENDENT AGENCIES							
Action							
Operating expenses, domestic programs							
BA	R81-103		3,207	3 17 81			
Arms Control and Disarmament Agency							
Arms control and disarmament activities							
BA	R81-104		1,500	3 17 81			
Community Services Administration							
Community services program							
BA	R81- 30	6,000c		1 15 81		6,000	2 13 81
BA	R81-152		6,000	3 19 81			

ATTACHMENT A - STATUS OF RESCISSIONS FISCAL YEAR 1981 AS OF 04/06/81 11:42

AS OF APRIL 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Corporation for Public Broadcasting							
Salaries and expenses							
BA	R81-105		95,000	3 17 81			
Federal Mediation and Conciliation Service							
Salaries and expenses							
BA	R81-106		687	3 17 81			
Federal Mine Safety and Health Review Commission							
Salaries and expenses							
BA	R81- 31	163c		1 15 81		163	2 13 81
BA	R81-153		186	3 19 81			
Federal Trade Commission							
Salaries and expenses							
BA	R81-107		226	3 17 81			
Marine Mammal Commission							
Salaries and expenses							
BA	R81-108		4	3 17 81			
Merit Systems Protection Board							
Office of the special counsel							
BA	R81-109		210	3 17 81			
National Consumer Cooperative Bank							
Investment in Nat. Consumer Cooperative Bank							
BA	R81- 36		59,849	3 10 81			
Self-help development and technical assistance							
BA	R81- 37		29,990	3 10 81			
National Science Foundation							
Research and related activities							
BA	R81-110		66,000	3 17 81			
Science and engineering activities							
BA	R81-111		16,000	3 17 81			
Occupational, Safety, and Health Review Comm.							
Salaries and expenses							
BA	R81-112		39	3 17 81			
Office of Fed Insp for the Alaska Nat Gas Sys.							
Salaries and expenses							
BA	R81-113		445	3 17 81			
Pennsylvania Avenue Development Corporation							
Salaries and expenses							
BA	R81-114		60	3 17 81			
Postal Service							
Payment to the Postal Service Fund							
BA	R81- 32	250,000c		1 15 81		250,000	2 13 81
BA	R81-154		250,000	3 19 81			
Selective Service System							
Salaries and expenses							
BA	R81-115		1,940	3 17 81			
Small Business Administration							
Salaries and expenses							
BA	R81-116		1,405	3 17 81			

ATTACHMENT A - STATUS OF RESCISSIONS FISCAL YEAR 1981 AS OF 04/06/81 11.42

AS OF APRIL 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Tennessee Valley Authority							
Tennessee Valley Authority fund							
BA	R81- 33	177,000c		1 15 81		177,000	2 13 81
BA	R81-117		500	3 17 81			
BA	R81-155		177,000	3 19 81			
Water Resources Council							
Water resources planning							
BA	R81-118		5,000	3 17 81			
OTHER INDEPENDENT AGENCIES TOTAL BA		433,163	715,248			433,163	
OFF-BUDGET FEDERAL ENTITIES							
Department of Agriculture							
Rural electr and telephone revolving fund							
BA	R81-122		187,000b	3 17 81			
TOTAL BA		1,143,891	14,756,045			1,143,891	

FOOTNOTES

a The amount withheld totals $16,000,000, which is $341,000 less than the amount proposed for rescission.

b This amount represents a proposed reduction in authority to incur obligations for direct loans.

c This rescission proposal was withdrawn on February 13, 1981

d The amount withheld totals $45,000,000, which is $189,475,000 less than the amount proposed for rescission.

END OF REPORT

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 04/06/81 10 19

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-01-81
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs								
BA	D81- 79	10,000		3 10 81				10,000
International Security Assistance								
Foreign military credit sales								
BA	D81- 23	659,250		12 2 80	-659,250			
Economic support fund								
BA	D81- 24	1,984,500		12 2 80	-962,313			1,022,187
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		2,653,750			-1,621,563			1,032,187
DEPARTMENT OF AGRICULTURE								
Forest Service								
Timber salvage sales								
BA	D81- 1	16,481		10 1 80				16,481
Expenses, brush disposal								
BA	D81- 2	37,342		10 1 80				37,342
DEPARTMENT OF AGRICULTURE TOTAL BA		53,823						53,823

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 04/06/81 10 19

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-01-81
DEPARTMENT OF COMMERCE								
General Administration								
Participation in U S expositions								
	BA D81- 3	2,867	-	10 1 80				
	BA D81- 3A		184	1 15 81				3,051
Minority Business Development Agency								
Minority business development								
	BA D81-103	3,400		3 17 81				3,400
National Oceanic and Atmospheric Administration								
Operations, research, and facilities								
	BA D81- 42	30,493a		2 13 81	-30,493			
Construction								
	BA D81- 4	10,230		10 1 80	-5,239			4,991
National Telecom and Information Admin								
Public telecom facilities, plan & constr								
	BA D81- 43	4,000a		2 13 81	-4,000			
Maritime Administration								
Ship construction								
	BA D81- 80	92,000		3 10 81				92,000
DEPARTMENT OF COMMERCE TOTAL BA		142,990	184		-39,732			103,442
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Shipbuilding and conversion, Navy								
	BA D81- 27	1,125,000		1 15 81				1,125,000
Procurement activities								
	BA D81- 5	139,700		10 1 80	-139,700			
Research, Development, Test, and Evaluation								
RDT&E Activities								
	BA D81- 6	46,500		10 1 80	46,500			
Military Construction								
Military construction (medical facilities)								
	BA D81- 25	111,300		12 2 80	111,300			
Military construction, all services								
	BA D81- 7	6,983		10 1 80				
	BA D81- 7A		600,344	12 2 80	-343,106		800	265,021
Family Housing, Defense								
Family housing, Defense								
	BA D81- 8	18,651		10 1 80	-18,651			
	BA D81- 28	1,992		1 15 81				1,992
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA		1,450,126	600,344		-659,257		800	1,392,013
DEPARTMENT OF DEFENSE-CIVIL								
Corps of Engineers								
Construction, general								
	BA D81- 81	10,000		3 10 81				10,000
Wildlife Conservation, Military Reservations								
Wildlife conservation, all services								
	BA D81- 9	667		10 1 80	-136b			
	BA D81- 9A		147	1 15 81	-6		136	808
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA		10,667	147		-142		136	10,808
DEPARTMENT OF EDUCATION								
Office of Elem and Secondary Education								
Elementary and secondary education								
	BA D81- 45	52,150a		2 13 81	-52,150			
School assist in federally affected areas								
	BA D81- 44	148,000a		2 13 81	-148,000			
Office of Vocational and Adult Education								
Vocational and adult education								
	BA D81- 46	11,862a		2 13 81	11,862			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 04/06/81 10:19

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-01-81
Office of Postsecondary Education								
Student loan insurance								
BA	D81- 47	78,728a		2 13 81	-78,728			
Higher and continuing education								
BA	D81- 48	30,989a		2 13 81	-30,989			
Higher education facilities loan and ins.								
BA	D81- 82	25,000		3 19 81				25,000
DEPARTMENT OF EDUCATION TOTAL BA		346,729			-321,729			25,000
DEPARTMENT OF ENERGY								
Atomic Energy Defense Activities								
Operating expenses								
BA	D81- 29	5,000		1 15 81	-5,000			
BA	D81- 29A		5,000	3 10 81			5,000	10,000
Plant and capital equipment								
BA	D81- 30	12,000		1 15 81	-12,000			
Energy Programs								
Fossil energy R&D								
BA	D81- 51	25,450a		2 13 81	-25,450			
Fossil energy construction								
BA	D81- 33	42,000		1 15 81				
BA	D81- 33A		163,000	3 10 81				205,000
Energy supply R&D-operating expenses								
BA	D81- 31	23,860		1 15 81				
BA	D81- 49	25,026a		2 13 81	-48,886			
Energy supply R&D-plant and capital equip.								
BA	D81- 32	3,690		1 15 81				
BA	D81- 50	3,650a		2 13 81	-7,340			
Energy conservation								
BA	D81- 34	10,450		1 15 81				
BA	D81- 52	47,800a		2 13 81	-58,250			
Strategic Petroleum Reserve								
BA	D81- 83	8,000		3 10 81				8,000
DEPARTMENT OF ENERGY TOTAL BA		206,926	168,000		-156,926		5,000	223,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Health Services Administration								
Health Services								
BA	D81- 53	8,057a		2 13 81	-8,057			
Centers for Disease Control								
Preventive Health Services								
BA	D81- 54	27,000a		2 13 81	-27,000			
National Institutes of Health								
National Cancer Institute								
BA	D81- 55	13,565a		2 13 81	-13,565			
Nat Heart, Lung, and Blood Institute								
BA	D81- 56	10,324a		2 13 81	-10,324			
Nat. Institute of Dental Research								
BA	D81- 57	302a		2 13 81	-302			
Nat Inst of Arth., Metab., and Digest Dis.								
BA	D81- 58	3,232a		2 13 81	-3,232			
Nat. Inst of Neuro. and Commun. Dis. and Stroke								
BA	D81- 59	2,031a		2 13 81	-2,031			
Nat. Inst of Child Health and Human Development								
BA	D81- 60	3,285a		2 13 81	-3,285			
National Eye Institute								
BA	D81- 61	2,353a		2 13 81	-2,353			
Nat Inst of Environ. Health Sciences								
BA	D81- 62	3,258a		2 13 81	-3,258			
National Institute of Aging								
BA	D81- 63	588a		2 13 81	-588			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 04/06/81 10:19

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-01-81
Research Resources									
	BA	D81- 64	10,561a		2 13 81	-10,561			
National Library of Medicine									
	BA	D81- 65	341a		2 13 81	-341			
Office of the Director									
	BA	D81- 66	360a		2 13 81	-360			
Alcohol, Drug Abuse & Mental Health Administration									
Alcohol, drug abuse & mental health									
	BA	D81- 67	67,140a		2 13 81	-67,140			
Construction & renovation, St. Elizabeths Hospital									
	BA	D81- 10	10,698		10 1 80				10,698
Health Resources Administration									
Health resources									
	BA	D81- 68	78,683a		2 13 81	78,683			
Office of Assistant Secretary for Health									
Special foreign currency program									
	BA	D81- 11	8,000		10 1 80				8,000
Social Security Administration									
Limitation on administrative expenses									
	BA	D81-104	8,004		3 19 81				8,004
Human Development Services									
Human development services									
	BA	D81- 69	10,000a		2 13 81	-10,000			
White House Conference on Children and Youth									
	BA	D81- 12	562		10 1 80				562
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA			268,344			-241,080			27,264
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Programs									
Congregate services program									
	BA	D81- 70	10,000a		2 13 81	-10,000			
Policy Development and Research									
Research and technology									
	BA	D81- 84	5,000		3 10 81				5,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA			15,000			-10,000			5,000
DEPARTMENT OF THE INTERIOR									
Bureau of Land Management									
Oregon and California grant lands									
	BA	D81- 71	1,849		2 13 81				1,849
Heritage Conservation and Recreation Service									
Land and water conservation fund									
	BA	D81- 13	30,000		10 1 80				30,000
Geological Survey									
Exploration of National Petroleum Res. in Alaska									
	BA	D81- 35	10,710		1 15 81				10,710
Payments from proceeds, sale of water									
	BA	D81- 14	41		10 1 80				41
Bureau of Mines									
Drainage of anthracite mines									
	BA	D81- 15	765		10 1 80				765
DEPARTMENT OF THE INTERIOR TOTAL BA			43,365						43,365
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses									
	BA	D81- 85	7,485		3 19 81				7,485

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 04/06/81 10:19

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-01-81
Federal Prison System									
Buildings and facilities									
	BA	D81- 16	15,750		10 1 80				
	BA	D81- 16A		4,050	1 15 81				19,800
Salaries and expenses									
	BA	D81- 86	4,385		3 19 81				4,385
Office of Justice Assist., Res., and Statistics									
Law enforcement assistance									
	BA	D81- 87	670		3 19 81				670
DEPARTMENT OF JUSTICE TOTAL	BA		28,290	4,050					32,340
DEPARTMENT OF LABOR									
Employment and Training Administration									
Employment and training assistance									
	BA	D81- 36	76,699		1 15 81				
	BA	D81- 36A		652,488	3 10 81				729,187
DEPARTMENT OF LABOR TOTAL	BA		76,699	652,488					729,187
DEPARTMENT OF STATE									
Other									
Emergency refugee and migration assistance fund									
	BA	D81- 37	15,000		1 15 81				15,000
DEPARTMENT OF STATE TOTAL	BA		15,000						15,000
DEPARTMENT OF TRANSPORTATION									
Office of the Secretary									
Transportation planning, res. and dev.									
	BA	D81- 88	1,040		3 10 81				1,040
Federal Aviation Administration.									
Various activities									
	BA	D81- 72	3,403		2 13 81				3,403
Facilities & equip. (Airport & airway trust fund)									
	BA	D81- 17	133,823		10 1 80				
	BA	D81- 17A		240,603	12 2 80	-14,893			
	BA	D81- 17B		c	3 10 81			6,250	365,783
Federal Highway Administration									
Trust fund share of other highway programs									
	BA	D81- 89	21,500		3 10 81				21,500
Federal Railroad Administration									
Railroad research and development									
	BA	D81- 90	383		3 10 81				383
Rail service assistance									
	BA	D81- 91	80,341		3 10 81				80,341
Northeast corridor improvement program									
	BA	D81- 92	125,000		3 10 81				125,000
Urban Mass Transportation Administration									
Urban mass transportation fund									
	BA	D81- 93	210,000		3 10 81				210,000
Research and Special Programs Administration									
Research and special programs									
	BA	D81- 94	3,100		3 10 81				3,100

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 04/06/81 10:19

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-01-81
DEPARTMENT OF TRANSPORTATION									
TOTAL BA			578,590	240,603		-14,893		6,250	810,550
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance fund	BA	D81- 18	111,773		10 1 80	-1,365		161	110,569
	O	D81- 19	5,485		10 1 80				
	O	D81- 19A		5,209	12 2 80	-3,959			
	O	D81- 19B		51,062	2 13 81	-52,591		6,022	11,228
Bureau of the Mint									
Construction of mint facilities	BA	D81- 20	5,730		10 1 80	-5,730			
DEPARTMENT OF THE TREASURY									
TOTAL BA			117,503			-7,095		161	110,569
TOTAL O			5,485	56,271		-56,550		6,022	11,228
Veterans Administration									
Medical care	BA	D81- 95	29,389		3 10 81				29,389
Medical and prosthetic research	BA	D81- 96	1,690		3 10 81				1,690
Medical admin and misc. operating expenses	BA	D81- 97	515		3 10 81				515
Construction, major projects	BA	D81- 98	183,493		3 10 81				183,493
Veterans Administration									
TOTAL BA			215,087						215,087
OTHER INDEPENDENT AGENCIES									
Community Services Administration									
Community services program	BA	D81- 73	6,000a		2 13 81	-6,000			
Federal Emergency Management Agency									
Emergency planning, preparedness, and mobilization	BA	D81- 21	80		10 1 80	-80			
Federal Mine Safety & Health Review Commission									
Salaries and expenses	BA	D81- 74	163a		2 13 81	-163			
General Services Administration									
Office of Inspector General	BA	D81- 99	444		3 19 81				444
Allowances and office staff for former Presidents	BA	D81-100	8		3 19 81				8
Consumer information center	BA	D81-101	50		3 19 81				50
Intelligence Community Staff									
Intelligence Community Staff	BA	D81- 38	2,000		1 15 81	-800			1,200
International Communication Agency									
Salaries & expenses	BA	D81- 75	1,500		2 13 81				1,500
Acquisition & construction of radio facilities	BA	D81- 76	1,252		2 13 81				1,252
National Consumer Cooperative Bank									
Self-help development fund	BA	D81- 39	13,133		1 15 81	-13,133			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 04/06/81 10:19

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-01-81
Pennsylvania Avenue Development Corporation								
Land acquisition and development								
BA	D81- 40	30,896		1 15 81				30,896
Postal Service								
Payment to the Postal Service fund								
BA	D81- 77	250,000a		2 13 81	-250,000			
Small Business Administration								
Business loan and investment fund								
BA	D81- 41	57,500		1 15 81				
BA	D81- 41A		55,900	3 10 81				113,400
Surety bond guarantees revolving fund								
BA	D81-102	6,000		3 10 81				6,000
Tennessee Valley Authority								
Tennessee Valley Authority fund								
BA	D81- 22	17,000		10 1 80	-17,000			
BA	D81- 26	15,800		12 2 80				15,800
BA	D81- 78	177,000a		2 13 81	-177,000			
OTHER INDEPENDENT AGENCIES								
TOTAL BA		578,826	55,900		-464,176			170,550
TOTAL BA		6,801,715	1,721,716		-3,536,593		12,347	4,999,185
TOTAL O		5,485	56,271		-56,550		6,022	11,228

FOOTNOTES

a. These funds were proposed for rescission from January 15, 1981 until February 13, 1981. The former rescission proposal related to these funds is listed in Attachment A.

b This amount was released before the special message containing the deferral was transmitted to the Congress.

c This report was transmitted solely to reflect a change in justification for $30 million of the deferred funds

END OF REPORT

[FR Doc. 81-11499 Filed 4-14-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Comments on Proposed Rules for the Week of April 19 through April 25, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

13670 2-23-81 / Brucellosis indemnity payment for cattle destroyed; final rule; comments by 4-24-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

20237 4-3-81 / Foreign fishing; Northeast Pacific Ocean; comments by 4-23-81

COMMUNITY SERVICES ADMINISTRATION

12522 2-17-81 / Grantee Public Affairs; public access to grantee information; comments by 4-20-81

DEFENSE DEPARTMENT

Office of the Secretary—

13526 2-23-81 / National Security Agency; access to records; comments by 4-24-81

13526 2-23-81 / National Security Agency; Privacy Act Systems of Records; comments by 4-24-81

ENERGY DEPARTMENT

13517 2-23-81 / Standby Federal Emergency Conservation Plan; comments by 4-24-81

17787 3-20-81 / Travel expenses; payment for persons who are not government employees; comments by 4-20-81

ENVIRONMENTAL PROTECTION AGENCY

18321 3-24-81 / Approval and promulgation of State plans for designated facilities and pollutants; New Jersey and Virgin Islands; comments by 4-23-81

17558 3-19-81 / Consideration of whether to rescind 80 dB noise standard for heavy and medium trucks (final rule); comments by 4-24-81

7684 1-23-81 / Incinerator standards by owners and operators of hazardous waste management facilities; comments by 4-23-81

8497 1-27-81 / Noise emission standards; medium and heavy trucks and truck-mounted solid waste compactors; final rule; comments by 4-24-81

[Corrected at 46 FR 9950, 1-30-81]

12761 2-18-81 / Proposed revision to the Commonwealth of Puerto Rico Implementation plan; comments by 4-20-81

15287 3-5-81 / Provisions for treating pollutant discharges from pulp, paper, and paperboard mills; comments period extended to 5-1-81

[*See also* 46 FR 1430, 1-6-81]

FEDERAL COMMUNICATIONS COMMISSION

15185 3-4-81 / FM broadcast station in East Hampton, N.Y.; Proposed changes in table of assignments; comments by 4-20-81

15186 3-4-81 / FM broadcast station in Fort Worth and Palestine, Tex.; Proposed changes in table of assignments; comments by 4-20-81

15298 3-5-81 / FM broadcast station in Mountain Home and Marshall, Ark. and Thayer, Mo.; changes in table of assignments; comments by 4-20-81

15184 3-4-81 / FM broadcast station in Tioga and Boyce, La.; Proposed changes in table of assignments; comments by 4-20-81

16104 3-11-81 / Interservice Sharing of frequencies in the Private Land Mobile Service below 470 MHz; Facilitation; reply comments by 4-20-81

FEDERAL EMERGENCY MANAGEMENT AGENCY

13528 2-23-81 / Peacetime screening of non-Federal employees who are members of the military reserve; comments by 4-24-81

FEDERAL MARITIME COMMISSION

13243 2-20-81 / Credit information; collection, compilation and exchange; exemption of agreements; comments by 4-21-81

12524 2-17-81 / Exemption of certain agency agreements involving solicitation and booking of cargo, and signing contracts of affreightment and bills of lading; comments by 4-20-81

FEDERAL TRADE COMMISSION

13235 2-20-81 / Prohibited trade practices; Sherman A. Hope, M.D., et al.; consent agreement and analysis; hospital's physician recruitment program or contractual arrangement; comments by 4-21-81

18307 3-24-81 / Trade regulation rule; labeling and advertising of home insulation; partial exemption for cellulose insulation; comments by 4-23-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community Planning and Development, Office of Assistant Secretary—

13676 2-23-81 / Community Development Block Grants, Small Cities Program; interim rule; comments by 4-24-81

INTERSTATE COMMERCE COMMISSION

15302 3-5-81 / Increase in capital expenditures minimum; comments by 4-20-81

15300 3-5-81 / Leasing rules modifications; comments by 4-20-81

JUSTICE DEPARTMENT

Parole Commission—

14904 3-3-81 / Paroling, recommitting and supervising Federal prisoners; offense severity scale; comments by 4-25-81

LABOR DEPARTMENT

Employment and Training Administration—

6017 1-21-81 / Proposed changes to veterans preference indicators of compliance for FY 1981; comments on basic structure of indicator system by 4-21-81

LEGAL SERVICES CORPORATION

18055 3-23-81 / Comprehensive civil rights regulations; comments by 4-22-81

NUCLEAR REGULATORY COMMISSION

15278 3-5-81 / Decommissioning criteria for nuclear facilities; comments by 4-22-81

12750 2-18-81 / Financial protection requirements and indemnity agreements; comments by 4-20-81

PERSONNEL MANAGEMENT OFFICE

13222 2-20-81 / Training; selection and authorization procedures; comments by 4-21-81

POSTAL SERVICE

18560 3-25-81 / Establishment of optional endorsement line in the address block or label; comments by 4-24-81

18054 3-23-81 / International express mail rates to Kuwait; comments by 4-22-81

SECURITIES AND EXCHANGE COMMISSION

17219 3-18-81 / Proposed admission to, or continuance in, membership or participation of certain persons subject to statutory disqualifications; notice by self-regulatory organizations; comments by 4-22-81

SMALL BUSINESS ADMINISTRATION

19829 4-1-81 / Business loans; Delegation of certain authority and responsibility to preferred lending institutions; comments extended to 4-20-81

[*See also* 46 FR 4937, 1-19-81]

12500 2-17-81 / Ineligibility for SBA Loan Assistance; comments by 4-20-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

5484 1-19-81 / Operations review program; comments by 4-20-81

12981 2-19-81 / Summary of petitions received and dispositions of petitions denied; comments by 4-20-81

National Highway Traffic Safety Administration—

7025 1-22-81 / New car crashworthiness performance ratings program; comments by 4-22-81

[Corrected at 46 FR 18059, 3-23-81]

Office of the Secretary—

5588 1-19-81 / Nondiscrimination in Federally assisted programs; comments by 4-20-81

Urban Mass Transportation Administration—

5815 1-19-81 / Buy America requirements; comments by 4-20-81

TREASURY DEPARTMENT

Comptroller of the Currency—

12978 2-19-81 / Eligibility of securities for purchase, dealing in, underwriting and holding by National Banks; comments by 4-20-81

Internal Revenue Service—

15892 3-10-81 / State and Local government deferred compensation plans; comments by 4-21-81

13525 2-23-81 / Windfall profit tax; qualified disburser election; comments by 4-24-81

VETERANS ADMINISTRATION

18051 3-23-81 / Medical school and health manpower assistance; comments by 4-22-81

Deadlines for Comments on Proposed Rules for the Week of April 26 through May 2, 1981

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

21399 4-10-81 / North Pacific Fishery Management Council, amendment to Bering Sea and Aleutian Islands Groundfish Management Plan; comments by 5-1-81

COMMODITY FUTURES TRADING COMMISSION

16691 3-13-81 / Futures commission merchants; minimum financial and reporting requirements; comment period extended to 5-1-81

[*See also* 45 FR 79498, 12-1-80]

DEFENSE DEPARTMENT

Engineers Corps, Army Department—

18051 3-23-81 / Oahu, Hi.; danger zone; comments by 4-30-81

EDUCATION DEPARTMENT

19002 3-27-81 / Handicapped children, assistance to States for education and nondiscrimination in programs and activities receiving or benefitting from Federal financial assistance; proposal to suspend interpretation indefinitely; comments by 4-27-81

ENERGY DEPARTMENT

20522 4-3-81 / Outer Continental Shelf oil and gas leasing; variable work commitment bidding system; comments by 4-29-81

ENERGY DEPARTMENT

Economic Regulatory Administration—

19450 3-30-81 / Petroleum substitute entitlements provisions; comments by 4-29-81

20219 4-3-81 / High-cost natural gas produced from tight formations; Abo Formation, N. Mex.; comments by 4-27-81

20218 4-3-81 / High cost natural gas from tight formations; Fruitland Formation, N. Mex., comments by 4-27-81

20683, 20684, 20685, 20686 4-7-81 / High-cost gas produced from tight formations; comments by 5-1-81

ENVIRONMENTAL PROTECTION AGENCY

83448 12-18-80 / Air pollutants, hazardous; standards for benzene emissions from ethylbenzene/styrene plants; comments by 4-30-81

[Comment period extended at 46 FR 9660, 1-29-81]

19835 4-1-81 / Approval and promulgation of State plans for designated facilities and pollutants; comments by 5-1-81

19504 3-31-81 / Asbestos; reporting and recordkeeping requirements; comments by 4-27-81

8860 1-27-81 / Porcelain enameling; Point source category effluent limitations guidelines, pretreatment standards, and new source performance standards; comments by 4-27-81

FEDERAL COMMUNICATIONS COMMISSION

15754 3-9-81 / FM Broadcast Stations in Eagle River and Anchorage, Alaska; proposed changes in table of assignments; comments by 4-27-81

15757 3-9-81 / FM Broadcast Station in Newberry, South Carolina; proposed changes in table of assignments; comments by 4-27-81

15756 3-9-81 / FM Broadcast Station in Selmer, Tenn., proposed changes in table of assignments; comments by 4-27-81

6692 3-13-81 / Radio services, special; marine stations; Safety of Life at Sea Convention, operational standards; comments by 5-1-81

9138 1-28-81 / Telephone company—cable television cross-ownership rules; exemption for rural areas; reply comments by 4-29-81

FEDERAL HOME LOAN BANK BOARD

19500 3-31-81 / Monetary Control Act Reserves Counting toward liquidity requirements; comments by 4-27-81

GENERAL ACCOUNTING OFFICE

15857 3-10-81 / General Accounting Office Personnel Board; organization and procedures; comments by 5-1-81

GENERAL SERVICES ADMINISTRATION

19504 3-31-81 / Refunds from carriers for unused transportation services or accommodations; comments by 4-30-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

18994 3-27-81 / Caramel; listing as color additive for general use in cosmetics and exemption from certification; comments by 4-27-81

18951 3-27-81 / D&C Orange Nos. 10 and 11; Listing for use in externally applied drugs and cosmetics and termination of listing for use in ingested drugs and cosmetics; objections by 4-27-81

17790 3-20-81 / Infant formula quality control procedures; comments period extended to 5-1-81

[*See also* 45 FR 86362, 12-30-80]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

9976 1-30-81 / Panicum carteri (Carter's panicgrass); listing as endangered species and determination of critical habitat; comments by 4-30-81

INTERSTATE COMMERCE COMMISSION

19238 3-30-81 / Rail variable cost and revenue determinations for joint rates subject to surcharge or cancellation; procedures for requests; interim rule; comments by 4-29-81

[*See also* 45 FR 72665, 11-3-80]

LABOR DEPARTMENT

Employment Standards Administration—

19510 3-31-81 / Situations where a lessor of coal mining property will not be liable for the payment of Black Lung benefits to employees of the lessee; comments by 4-29-81

[*See also* 46 FR 8570, 1-27-81]

Employment and Training Administration—

18991 3-27-81 / Aliens in agriculture; new methodology for computing adverse effect wage rates; proposal to withdraw final rule; comments by 4-27-81

[*See also* 46 FR 4568, 1-16-81]

Federal Contract Compliance Programs Office—

19004 3-27-81 / Payment of employees membership fees for private clubs which discriminate in membership policies; withdrawal of regulation; comments by 4-27-81

[*See also* 46 FR 3892, 1-16-81 and 46 FR 11253, 2-6-81]

Wage and Hour Division, Employment Standards Administration—

18998 3-27-81 / Employees in bona fide executive, administrative, professional or outside salesman capacity; defining and delimiting terms; comments by 4-27-81

[*See also* 46 FR 3010, 1-13-81, and 46 FR 11972, 2-12-81]

NUCLEAR REGULATORY COMMISSION

18747 3-26-81 / Implementation of commission's delegation of authority to determine significant changes in operating license applicant's activities or proposed activities since the construction permit antitrust determination; comments by 4-27-81

14021 2-25-81 / Sierra Club, filing of petition for rulemaking; comments by 4-27-81

PERSONNEL MANAGEMENT OFFICE

13729 2-24-81 / Agency administrative grievance system; comments by 4-27-81

POSTAL SERVICE

17758 3-20-81 / Domestic mail manual; changes in rates, fees and classifications; comments by 5-1-81

SECURITIES AND EXCHANGE COMMISSION

18990 3-27-81 / Customer complaint registries, establishment; comment period extended to 5-1-81

[*See also* 46 FR 14132, 2-26-81]

12756 2-18-81 / Ratio of earnings to fixed charges; comments by 4-30-81

15278 3-5-81 / Revision of property, plant and equipment disclosure requirements; comments by 4-30-81

TRANSPORTATION DEPARTMENT

Coast Guard—

11565 2-9-81 / Tankerman requirements; comments by 5-1-81

National Highway Traffic Safety Administration—

8066 1-26-81 / Impact protection for the driver from the steering control system and steering control rearward displacement, standards 203 and 204 comments by 4-27-81

8056 1-26-81 / Passenger automobile and light truck average fuel economy standards; model year 1985 and beyond; comments by 4-27-81

VETERANS ADMINISTRATION

19503 3-31-81 / Effective date of forfeiture of benefits for treason; comments by 4-30-81

19002 3-27-81 / Hospitalization aid and attendance allowance; reduction; comments by 4-27-81

Next Weeks Meetings:

AGRICULTURE DEPARTMENT

Forest Service—

15304 3-5-81 / Humboldt National Forest Grazing Advisory Board, Elko, Nev. (open), 4-23-81

CIVIL RIGHTS COMMISSION

19286 3-30-81 / Iowa Advisory Committee, Des Moines, Iowa (open), 4-23-81

18062 3-23-81 / Maryland Advisory Committee, Salisbury, Md., (open), 4-21-81

19287 3-30-81 / Oregon Advisory Committee, Portland, Ore. (open), 4-24-81

COMMERCE DEPARTMENT

International Trade Administration—

20715 4-7-81 / Advisory Committee on East-West Trade, Washington, D.C. (partially open), 4-22-81

20253 4-3-81 / Importers and Retailers' Textile Advisory Committee, Washington, D.C. (open), 4-21-81

20254 4-3-81 / Management-Labor Textile Advisory Committee, Washington, D.C. (open), 4-21-81

Maritime Administration—

19966 4-2-81 / U.S. Merchant Marine Academy Advisory Board, Kings Point, N.Y. (open), 4-23-81

National Oceanic and Atmospheric Administration—

21051 4-8-81 / North Pacific Fishery Management Council, Anchorage, Alaska (open), 4-23 and 4-24-81

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16429 3-12-81 / Washington, D.C. (open), 4-21-81

DEFENSE DEPARTMENT

Air Force Department—

19294 3-30-81 / M-X Missile Program, environmental impact statement, Santa Fe, N. Mex., 4-24-81

[*See also* 46 FR 16708, 3-13-81]

18065 3-23-81 / USAF Scientific Advisory Board, Wright-Patterson Air Force Base, Ohio, (closed), 4-23 and 4-24-81

Army Department—

18578 3-25-81 / United States Army Medical Research and Development Advisory Panel, Pharmacology Subcommittee, Washington, D.C. (partially open), 4-22-81

19969 4-2-81 / United States Army Medical Research and Development Advisory Panel, Medicinal Chemistry, Washington, D.C. (partially open), 4-24-81

Corps of Engineers, Army Department—

13757 2-24-81 / Chief of Engineers, Environmental Advisory Board, Ft. Belvoir, Va. (open), 4-21 through 4-24-81

20259 4-3-81 / Chief of Engineers, Environmental Advisory Board, Arlington, Va. (open), 4-21 through 4-24-81

Office of the Secretary—

20259 4-3-81 / Defense Science Board, Water in Southwest Asia Task Force, Arlington, Va. (closed), 4-21 and 4-22-81

18328 3-24-81 / Defense Science Board Task Force on Mapping, Charting, and Geodesy Advisory Committee, St. Louis, Missouri (closed), 4-22 and 4-23-81

[Rescheduled at 46 FR 21408, 4-10-81]

17826 3-20-81 / DOD Advisory Group on Electron Devices (AGED), Working Group C (Mainly Imaging and Display), New York, N.Y. (closed), 4-23-81

13261 2-20-81 / Wage Committee, Washington, D.C. (closed), 4-21-81

EDUCATION DEPARTMENT

20725 4-7-81 / Advisory Panel on Financing Elementary and Secondary Education, Washington, D.C. (open), 4-23 and 4-24-81

21058 4-8-81 / Women's Educational Programs National Advisory Council, Washington, D.C. (open), 4-23 and 4-24-81

ENVIRONMENTAL PROTECTION AGENCY

16916 3-16-81 / Administrator's Toxic Substances Advisory Committee, Washington, D.C. (open), 4-23 and 4-24-81

18054 3-23-81 / Incinerator Standards for owners and operators of hazardous waste management facilities, Cincinnati, Ohio (open), 4-21 and 4-22-81

19120 3-27-81 / Ocean Sciences Advisory Committee, Ocean Sciences Research Subcommittee, Washington, D.C. (closed), 4-21 and 4-22-81

FEDERAL COMMUNICATIONS COMMISSION

19853 4-1-81 / Radio Technical Commission for Marine Services, Special Committee No. 78, Washington, D.C. (open), 4-21-81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

17881 3-20-81 / Meeting, Washington, D.C. (partially open), 4-23-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

19603 3-31-81 / Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Washington, D.C. (open), 4-21-81

Food and Drug Administration—

16728 3-13-81 / Clinical Chemistry and Hematology Devices Panel, Hematology and Pathology Device Section, Silver Spring, Md. (open), 4-20-81

16728 3-13-81 / Psychopharmacologic Drugs Advisory Committee, Rockville, Md. (open), 4-23 and 4-24-81

Health Resources Administration—

17657 3-19-81 / National Advisory Council on Health Professions Education, Bethesda, Md. (partially open), 4-22 through 4-24-81

National Institutes of Health—

18070 3-23-81 / Aging Institute, Scientific Counselors Board, Baltimore, Md. (partially open), 4-23 and 4-24-81

15778 3-9-81 / Cancer Advisory Board, Subcommittee on Board Activities and Agenda, Bethesda, Md. (open), 4-22-81

17991 3-20-81 / Recombinant DNA Advisory Committee, Bethesda, Md. (open), 4-22 through 4-24-81

INTERIOR DEPARTMENT

Land Management Bureau—

17658 3-19-81 / Boise District Wilderness Study, Bruneau, Idaho (open), 4-22-81

17265 3-18-81 / California Desert District, Northridge, Calif. (open), 4-20-81

18072 3-23-81 / California Desert Conservation Area Advisory Committee, Riverside, Calif. (open), 4-24-81

18794 3-26-81 / Casper District Grazing Advisory Board, Casper, Wyo. (open), 4-24-81

17658 3-19-81 / Carson City District Grazing Advisory Board, Carson City, Nev. (open), 4-23-81

19327 3-30-81 / Craig District Advisory Council, Craig, Colo. (open), 4-23-81

21094 4-8-81 / Idaho Stateline Inventory, Jordan Valley, Oreg. (open), 4-23-81

18605 3-25-81 / Kingman Resource Area (Phoenix District) Grazing Advisory Board, Kingman, Ariz. (open), 4-22-81

18796 3-26-81 / Phoenix District, Hualapai-Aquarius draft grazing environmental impact statement; Kingman, Ariz., 4-22-81; Phoenix, Ariz., 4-23-81

17659 3-19-81 / Safford District Grazing Advisory Board, Safford, Ariz. (open), 4-24-81

19998 4-2-81 / Socorro District Grazing Advisory Board, Socorro, N. Mex. (open), 4-24-81

National Park Service—

19858 4-1-81 / Cape Cod National Seashore Advisory Commission, South Wellfleet, Mass. (open), 4-24-81

19859 4-1-81 / Cuyahoga Valley National Recreation Area Advisory Commission, Bath, Ohio (open), 4-23-81

21096 4-8-81 / Upper Delaware Citizens Advisory Council, Narrowburg, N.Y. (open), 4-24-81

Water and Power Resources Service—

21096 4-8-81 / Dunham Point Unit, Colorado; intent to prepare an environmental statement, Delores, Colo. (open), 4-23-81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

21120 4-8-81 / Board for International Food and Agricultural Development, Washington, D.C. (open), 4-23-81

LABOR DEPARTMENT

Employment and Training Administration—

20320 4-3-81 / Unemployment Insurance Federal Advisory Council, Washington, D.C. (open), 4-22 and 4-23-81

Labor Statistics Bureau—

19628 3-31-81 / Business Research Advisory Council Committee, Washington, D.C. (open), 4-22-81

Office of the Secretary—

20330 4-3-81 / International Labor Standards Tripartite Advisory Panel, Washington, D.C. (closed), 4-20-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

19119 3-27-81 / NASA Advisory Council, Aeronautics Advisory Committee, Rotocraft Technology Informal Advisory Subcommittee, Washington, D.C. (open), 4-21 and 4-22-81

20010 4-2-81 / NASA Advisory Council, Informal Ad Hoc Solar System Exploration Committee, Washington, D.C. (open), 4-20 through 4-22-81

NATIONAL SCIENCE FOUNDATION

21124 4-8-81 / Behavioral and Neural Sciences Advisory Committee, Sensory Physiology and Perception Subcommittee, Sarasota, Fla. (closed), 4-25 and 4-26-81

21124 4-24-81 / Environmental Biology Advisory Committee, Population Biology and Physiological Subcommittee, Washington, D.C. (closed), 4-23 and 4-24-81

21124 4-8-81 / Social and Economic Science Advisory Committee, Law and Social Sciences Subcommittee, Washington, D.C. (closed), 4-24 and 4-25-81

NUCLEAR REGULATORY COMMISSION

20809 4-7-81 / Reactor Safeguards Advisory Committee, Subcommittee on Advanced Reactors, Des Plaines, Ill. (partially open), 4-21 and 4-22-81

20809 4-7-81 / Reactor Safeguards Advisory Committee, Subcommittee on Susquehanna Steam Electric Station, Units 1 and 2, Wilkes-Barre, Pa. (open), 4-23-81

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

19899 4-1-81 / Meeting, Washington, D.C. (closed), 4-23-81

SMALL BUSINESS ADMINISTRATION

18134 Region II Advisory Council, North Syracuse, N.Y. (open), 4-24-81

19640 3-31-81 / Region V Advisory Council, Minneapolis, Minn. (open), 4-23-81

STATE DEPARTMENT

Office of the Secretary—

20648 4-6-81 / International Intellectual Property, Advisory Committee, Washington, D.C. (open), 4-21-81

20649 4-6-81 / International Radio Consultative Committee, Study Group 2 (open), 4-24-81

20649 4-6-81 / International Telegraph and Telephone Consultative Committee, Study Group C, Washington, D.C. (open), 4-23-81

20649 4-6-81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Washington, D.C. (open), 4-22-81

20650 4-6-81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Washington, D.C. (open), 4-22-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

19380 3-30-81 / Radio Technical Commission for Aeronautics, Special Committee 142 on Air Traffic Control Radar Beacon System/Discrete Address Beacon System Airborne Equipment, Washington, D.C. (open), 4-21 and 4-22-81

19380 3-30-81 / Radio Technical Commission for Aeronautics, Special Committee 147 on Active Beacon Collision Avoidance System, Washington, D.C. (open), 4-23 and 4-24-81

National Highway Traffic Safety Administration—

21307 4-9-81 / Heavy Truck and Bus Speed Control Development/Demonstration Program, Washington, D.C. (open), 4-24-81

Saint Lawrence Seaway Development Corporation—

21307 Meeting, Washington, D.C. (open), 4-24-81

VETERANS' ADMINISTRATION

16774 3-13-81 / Medical Research Service, Merit Review Boards: Alcoholism and Drug Dependence, Washington, D.C. 4-21-81; Respiration, Washington, D.C. 4-24-81 (both meetings partially open)

19135 3-27-81 / Station Committee on Educational Allowances, Nashville, Tenn., (open), 4-21-81

Next Week's Public Hearings

CIVIL AERONAUTICS BOARD

17067 3-17-81 / New Gateways to Brazil Case, Washington, D.C., 4-22-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

18448 3-24-81 / Deep seabed mining regulations for exploration licenses, Honolulu, Hawaii, 4-24-81

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16707 3-13-81 / Jukebox Royalty Distribution proceeding, beginning 4-21-81

DEFENSE DEPARTMENT

Air Force Department—

16708 3-13-81 / M-X Missile Program, deployment area selection and land withdrawal/acquisition; draft environmental impact statement: Amarillo, Tex., 4-20-81; Dalhart, Tex., 4-21-81; Clovis, N. Mex., 4-22-81; Roswell, N. Mex., 4-23-81

Navy Department—

19969 4-2-81 / Naval Discharge Review Board, Tampa, Fla. and Atlanta, Ga., 4-20 through 4-25-81

ENVIRONMENTAL PROTECTION AGENCY

15205 3-4-81 / Federal radiation protection guidance for occupational exposures; Washington, D.C., 4-20 through 4-23-81

INTERIOR DEPARTMENT

Bureau of Land Management—

17661 3-19-81 / Land in Routt County, Colo., Steamboat Springs, Colo., 4-21-81

INTERNATIONAL TRADE COMMISSION

7108 1-22-81 / Generalized system of preferences; economic effect on domestic industries of designation of Peoples Republic of China as a beneficiary developing country; Washington, D.C.; 4-21 through 4-23-81

13050 2-19-81 / Probable economic effect on domestic industries of the designation of the Peoples Republic of China as a beneficiary developing country for purposes of the U.S. generalized system of preferences, Washington, D.C., 4-22 and 4-23-81

TREASURY DEPARTMENT

Internal Revenue Service—

15892 3-10-81 / Income from Trade Shows, Washington, D.C., 4-22-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing April 13, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.]

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

20567 4-6-81 / EPA—Clean water; grants for construction of treatment works; comments by 5-21-81

APPLICATIONS DEADLINES

21229 4-9-81 / DOE/OCSE—Grant Program Cycle III for schools and hospitals and buildings owned by units of local government and public care institutions; apply by 7-10-81

21058 4-8-81 / ED—Strengthening Developing Institutions Program; apply by 5-8-81

20972 4-7-81 / USDA/SEA—Energy and Alcohol Fuels Research Grants Programs for Agriculture for fiscal year 1981; apply by 5-22-81

MEETINGS

20725 4-7-81 / ED—Advisory Panel on Financing Elementary and Secondary Education, Washington, D.C. (open), 4-23 and 4-24-81

21448 4-10-81 / HHS/HSA—Maternal and Child Health Research Grants Review Committee, Rockville, Md. (partially open) 5-27 through 5-29-81

21448 4-10-81 / HHS/NIH—Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, Bethesda, Md. (open) 5-7 and 5-8-81

21449 4-10-81 / HHS/NIH—National Advisory Council on Aging, Bethesda, Md. (partially open) 5-27 and 5-28-81

21449 4-10-81 / HHS/NIH—National Advisory Dental Research Council, Bethesda, Md. (partially open) 6-4 and 6-5-81

21449 4-10-81 / HHS/NIH—National Advisory Neurological and Communicative Disorders and Stroke Council and Planning Subcommittee, Bethesda, Md. (partially open) 5-20, 5-21 through 5-22-81

21093 4-8-81 / HHS/PHS—Health Care Technology National Council, Grants and Contracts Subcommittee, New York, N.Y. (closed), 4-30-81

20809 4-7-81 / NFAH—Media Arts Panel (Programing in the Arts Section), Washington, D.C. (closed), 4-28 and 4-29-81

21124 4-8-81 / NSF—Behavioral and Neural Sciences Advisory Committee, Sensory Physiology and Perception Subcommittee, Sarasota, Fla. (closed), 4-25 and 4-26-81

21124 4-8-81 / NSF—Behavioral and Neural Sciences Advisory Committee, San Diego, Calif. (closed), 4-27 and 4-28-81

21135 4-8-81 / NSF—National Science Board, Washington, D.C. (partially open), 4-15 and 4-16-81

21124 4-8-81 / NSF—Environmental Biology Committee, Population Biology and Physiological Ecology Subcommittee, Washington, D.C. (closed), 4-23 and 4-24-81

21124 4-8-81 / NSF—Social and Economic Science Advisory Committee, Law and Social Sciences Subcommittee, Washington, D.C. (closed), 4-24-and 4-25-81

OTHER ITEMS OF INTEREST

21140 4-8-81 / HUD/CPD—Urban development action grants; revised minimum standards for large cities and urban counties

20603 4-6-81 / HHS/PHS—Financial assistance awards to for profit organizations; change in policy

20644 4-6-81 / LSC—Pine Tree Legal Assistance; application for grant

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